

AGENDA

This meeting will be recorded and the video archive published on our website

Planning Committee
Wednesday, 12th December, 2018 at 6.30 pm
The Council Chamber - The Guildhall

Members:

- Councillor Ian Fleetwood (Chairman)
- Councillor Owen Bierley (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Hugo Marfleet
- Councillor Giles McNeill
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Thomas Smith
- Councillor Robert Waller

1. **Apologies for Absence**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **To Approve the Minutes of the Previous Meeting** (PAGES 3 - 8)
 - i) Meeting of the Planning Committee held on 14 November 2018, previously circulated.
4. **Declarations of Interests**
Members may make any declarations of interests at this point but may also make them at any time during the course of the meeting.

5. **Update on Government/Local Changes in Planning Policy** (VERBAL REPORT)

Note – the status of Neighbourhood Plans in the District may be found via this link

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

6. **Planning Applications for Determination**

a) 138618 - Dawnhill Lane, Hemswell, Gainsborough DN21 5UH (PAGES 9 - 15)

b) 138441 - Land East of A1133 Newton on Trent LN1 2GJ (PAGES 16 - 28)

c) 137789 Irwin Road, Blyton (PAGES 29 - 50)

d) 138145 - Holywell Grange, Snitterby DN21 4UH (PAGES 51 - 81)

7. **Determination of Appeals** (PAGES 82 - 117)

Mark Sturgess
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 4 December 2018

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in The Council Chamber - The Guildhall on 14 November 2018 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman)
Councillor Owen Bierley (Vice-Chairman)

Councillor Matthew Boles
Councillor Michael Devine
Councillor Hugo Marfleet
Councillor Giles McNeill
Councillor Mrs Jessie Milne
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Paul Howitt-Cowan

In Attendance:
Mark Sturgess Executive Director of Operations and Head of Paid Service
Martha Rees Legal Advisor
Russell Clarkson Development Management Team Leader
Ian Elliott Senior Development Management Officer
Rachel Woollass Principal Planning Officer (Major Projects)
Carol Slingsby Area Development Officer
Ele Durrant Democratic and Civic Officer

Apologies: Councillor David Cotton
Councillor Robert Waller

Membership: Councillor Paul Howitt-Cowan was present as substitute for
Councillor Robert Waller

There was one member of the press present

There were five members of the public present

47 CHAIRMAN'S WELCOME

The Chairman opened the meeting by welcoming all those present and any who may be watching the live webcast. He explained the procedure for the meeting and informed all present of the relevant housekeeping details. He added that, owing to recent technical difficulties with the audio-visual equipment, there would be a short adjournment scheduled at the conclusion of agenda item 6a to allow the Democratic and Civic Officer time to reset the equipment.

48 PUBLIC PARTICIPATION PERIOD

The Chairman invited Councillor T. Smith to speak during the period of Public Participation. It was explained that Councillor Smith had requested to speak about agenda item 6c, the report for a Tree Preservation Order (TPO) in Market Rasen, and he had three minutes in which to do so. It was confirmed that Councillor Smith was speaking as a Ward Member, would not sit as a Member of Committee for the item and would withdraw from the room for the duration of the discussions. He would therefore have no vote in the decision.

Councillor Smith thanked the Chairman and explained he was speaking on behalf of the objector to the TPO. He explained that she was of the opinion that the TPO was being granted in order to agree planning permission. She accepted that a previous planning application was rejected because of the trees in question but felt that the TPO was planned in order to support any future planning application. Councillor Smith explained he had visited the home of the objector and felt there were also concerns regarding the impact of tree roots on her property. He added that there appeared to be other trees that were of equal importance for the overall street scene and explained concerns about the impact of protecting the two specified trees over and above any others. He concluded by thanking the Committee again for their time and confirmed he would withdraw for the full discussion of the item further along in the meeting.

49 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

Meeting of the Planning Committee held on 17 October 2018.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 17 October 2018 be confirmed and signed as a correct record.

50 DECLARATIONS OF INTEREST

Councillor I. Fleetwood spoke for all Committee Members in declaring that the applicant for agenda item 6b (application number 138377) was a fellow Councillor and as such, was known to all present.

Councillor I. Fleetwood also declared that, in relation to agenda item 6a (application number 136826), he was County Councillor for Cherry Willingham and he was Vice Chairman for the Parish Council. He confirmed that in no way had he been involved in discussions or responses to the planned development. He added that he was also a member of the Witham Third Internal Drainage Board.

Councillor G. McNeill declared that he was also a member of the Witham Third Internal Drainage Board and stated that, for full transparency, he had attended a social function with Mrs Coulson, the agent speaking in relation to agenda item 6b (application number 138377). He explained they had not discussed the application in any way but wished to make Committee aware.

51 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Leader advised the Committee that there was a new draft Neighbourhood Plan for Fiskerton which had been published and was open to consultation. There were no other updates or changes of which the Committee needed to be aware.

52 PLANNING APPLICATIONS FOR DETERMINATION

RESOLVED that the applications detailed in agenda item 6 be dealt with as follows:-

53 136826 - LAND AT EASTFIELD RISE FARM, FISKERTON ROAD, CHERRY WILLINGHAM

The Chairman introduced application number 136826 highlighting that it was a hybrid planning application seeking full planning permission for the construction of a new 220 berth marina with reinstated flood defences, chandlery, workshop, cafe/bistro, showers and toilets; access road, footpaths and cycleways; erection of a new cycle/footbridge connecting the site to the Water Rail Way south of the River Witham; erection of footbridge across the proposed access channel; construction of a new surface water pump house; change of use of land to public open space/meadow area with heritage interpretation information on display; and outline planning permission for up to 155no. dwellings and business units totalling 663sqm with access to be considered. The Principal Planning Officer corrected a couple of typographical errors regarding the number references in the conditions and had nothing further to add.

The Chairman explained that Councillor Palmer had intended to speak as Ward Member however was unable to attend. He explained there were two registered speakers and invited the first speaker, Councillor Paul Moore, Parish Councillor for Cherry Willingham, to address the Committee.

Councillor Moore thanked the Chairman and stated that, in consideration of all aspects of the proposed development, the Parish Council did give tentative support to the application. He continued that there had been drop in sessions held in order to gauge the community opinions and they had also received written comments. The general consensus was that the plans were supported however there were concerns about the proposed housing. It was accepted that the proposed conditions could alleviate the concerns of the parish. Councillor Moore explained that the location of the proposed housing was a departure from the local plan and sought reassurance that it would not set a precedence for other developments to also work outside of the local plan. With regards to the number of proposed dwellings, Councillor Moore asked Officers to clarify that it was the minimum required to make the marina viable. He explained that the community accepted there was a need for the housing to enable to marina development however stated that they did not want the focus of the development to be the housing element. He also wanted to clarify that the support was for the concept of the marina development and not just the specific planning application. Finally, Councillor Moore highlighted that the planned cycle bridge was the main component of the proposed development which ensured the support of the community. He sought reassurance that the development would be conditioned to ensure the bridge remained a key element

and that the proposals would be designed in such a way as to ensure an integrated and cohesive development. He concluded by confirming that, subject to these assurances, the Parish Council was in support of the application.

The Committee was then addressed by Mr Phil Scrafton, agent for the applicant, who thanked Members for their time. He explained that significant time had passed since the initial planning permission had been granted however the original plans had been deemed unviable and had led to close review of the venture. This had identified the need for housing to be built alongside the marina development although it was recognised that the entire plan needed to match with the surrounding areas as to avoid creating a separated and detached neighbourhood. He explained that there had been constant communication with local people and recognised that the support for the proposition was based on the understanding that the benefits be provided as detailed in the plan. He explained that there had been three scenarios presented to the community regarding housing options, numbers of dwellings and whether affordable housing should also be considered and the clear feedback had been that the number of dwellings should be kept to the minimum required in order for the marina to be viable. This had also been discussed with Officers and led to the planning application before Committee on this date. It was also confirmed that the strict caveat of providing the amenities would be honoured and there was already strong interest from local businesses wanting to be located in the area once completed. Mr Scrafton concluded by thanking the Committee again and stating that they were committed to providing the development as promised to the community.

The Chairman thanked both speakers and asked the Principal Planning Officer to clarify the details of the S106 agreement. She confirmed that the S106 agreement had already been signed which was unusual for an application not yet granted permission. She explained that it was very clear that the benefits of the development must be in place before any houses were occupied and that the conditions were stringent to ensure the amenities were delivered. The Chairman added that affordable housing options had not been viable because of contributions to the bridge and access for local people and that the developer had listened to the thoughts of the community. He clarified that although he had been speaking on local media about the application, he had not voiced an opinion either way and it was for the Committee to determine. He stated that the overall development would be a positive for the area and that details of the proposal, such as the access bridge and the increased amenities for local people would be beneficial to all in the area. From the Chair, he proposed to accept the Officer recommendation for the application and opened the discussion to Members.

There was widespread support from Members although the request that the amenities be prioritised over the housing element of the development was reiterated. The application was praised for being adventurous and bringing something to the district that was different and beneficial all round. A Member of Committee enquired about the objection from the drainage board and the Principal Planning Officer clarified that the objection had been withdrawn and apologised for not updating the report. It was also queried why the site had not been allocated as a marina site in the Central Lincolnshire Local Plan. The Development Management Team Leader explained that the application at the time had simply been for a marina which, as a specialist infrastructure, would not have fit in with the CLLP categories looking at housing options and suchlike.

There were further concerns as to whether the construction of the bridge in particular could

still be enforced if the site development passed to another party and it was confirmed that the conditions of the application went with the permission not the owner, meaning therefore that it would stand regardless of who was running the development. There was another query regarding the difference between residential and non-residential moorings in the marina and how this would be enforced. It was explained that residential moorings required planning applications in their own right and therefore would be possible to monitor details of the moorings.

With no further comments it was seconded and voted upon unanimously that permission be **GRANTED** subject to conditions as set out in the report and S106 agreement for open space and NHS contribution.

Note: The meeting was adjourned at 7:02pm.

54 138377 - LAND OFF LINCOLN ROAD, FENTON

Note: The meeting reconvened at 7:05pm

The Chairman introduced application number 138377 applying for the change of use from paddock land to residential amenity land, surface water drainage swale and landscaping strip. The Senior Development Management Officer explained that, in relation to the second condition, an additional plan and swale section drawing had been provided and these were shown to the Committee. He also highlighted that, had the application not been made by a Councillor, it would have been decided under delegated powers. The Chairman invited the registered speaker, Mrs Tracey Coulson, to address the Committee.

Mrs Coulson explained she was speaking as the representative for the applicant and thanked the Committee for allowing her time to speak. She explained the change of use for the land in more detail, highlighting that under the proposed changes plots three and four would enjoy an increased amount of residential amenity land whilst also giving clear ownership and responsibility for previously communal land to the owner of plot four.

The Chairman thanked Mrs Coulson and invited comments from Members. It was noted that the move to increase garden size for the two plots was considered to be a positive one and as such it was moved, seconded and voted upon unanimously that permission be **GRANTED** in accordance with the conditions as set out in the report.

55 OBJECTION TO TREE PRESERVATION ORDER MARKET RASEN NO2 2018

Note: Councillor T. Smith left the room for the duration of the discussion.

The Chairman asked the Area Development Officer to explain the purpose of the report for consideration. She advised the Committee that the need for a Tree Preservation Order (TPO) on two trees at the address in Market Rasen had arisen following an outline planning application for a new dwelling which had subsequently been declined. Members heard that the report was brought before them as there had been an objection to the TPO and as such, fell to the Committee to make a final decision.

The Chairman invited comments and questions from Members and it was requested of the Area Development Officer to clarify what options were available for the Committee as it was not an issue that was commonly dealt with. It was explained that the purpose was for the Committee to decide whether the TPO should be confirmed or left to lapse, whether the trees were worthy of protection or whether the reasons given in the objection were strong enough to decide not to protect the trees. The Area Development Officer showed the Committee photos of the area and highlighted which trees were subject to the TPO.

There was discussion amongst Members regarding the impact of the trees on the street scene and potential impact on the property of the objector. It was felt that the reasons for the objection were not sufficient and that the impact of losing the trees would be detrimental to the area. Therefore, having been moved, seconded and voted upon, with one abstention it was

RESOLVED that the confirmation of the Tree Preservation Order Market Rasen No2 2018 be approved.

Note: Councillor Smith returned to the room at 7:16pm.

56 DETERMINATION OF APPEALS

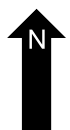
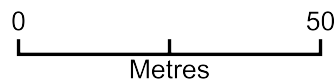
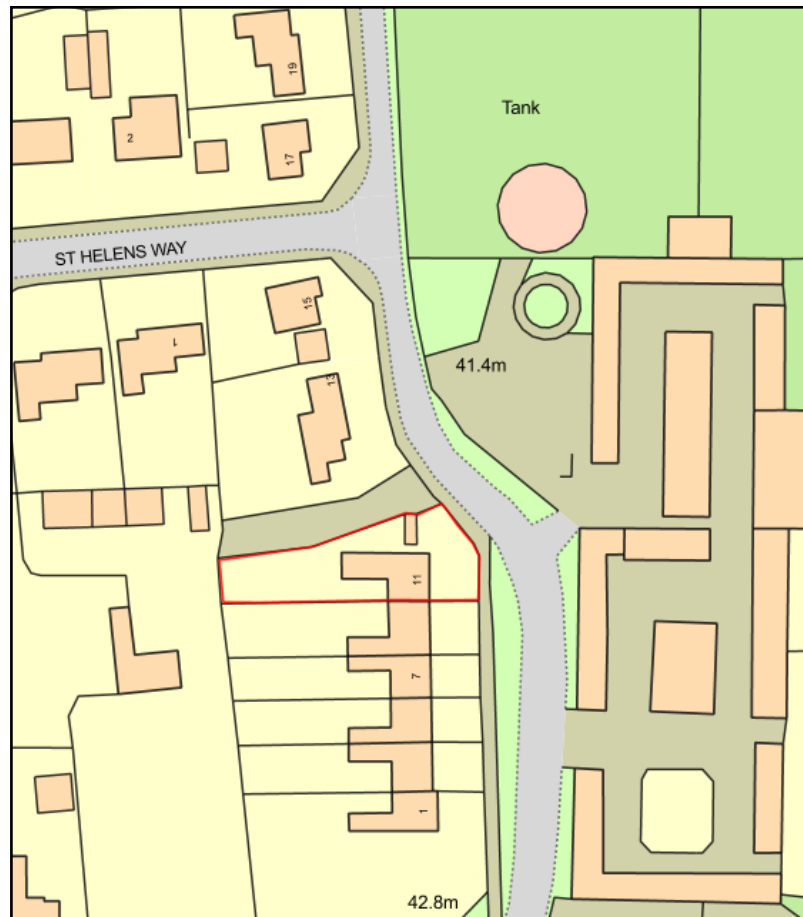
A Member of Committee noted the outcome of the Kingsmead Park appeal and thanked Officers for their work. There were no other comments or questions from the Committee.

RESOLVED that the determination of appeals be noted.

The meeting concluded at 7.17 pm.

Chairman

11 Dawnhill Lane, Hemswell. Site Location Plan



Plan Produced for: Mr and Mrs Cocks
Date Produced: 07 Nov 2018
Plan Number/Project ID: TQRQM18311133201398
Scale: 1:1250 @ A4

Officer's Report

Planning Application No: 138618

PROPOSAL: Planning application for a single storey rear extension

LOCATION: 11 Dawnhill Lane Hemswell Gainsborough DN21 5UH

WARD: Hemswell

WARD MEMBER(S): Cllr P. Howitt-Cowan

APPLICANT NAME: Mrs Claire Cocks

TARGET DECISION DATE: 14/01/2019

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant permission subject to conditions.

Description:
<p>The application is presented to the planning committee as the applicant is related to a member of staff within the council.</p> <p>The application site comprises of a two-storey end terraced property located within the defined settlement of Hemswell.</p> <p>The property is set back from the highway allowing the provision of off-street parking and there is a detached garage located to the north-east of the dwelling. The property is located on the northern end of a row of six dwellings, the terraced dwellings are symmetrical in form. The site is adjoined by residential properties to the south and west and the highway runs along the eastern boundary. A private access runs along the northern boundary which serves the property of 'The Old Vicarage'. The site is bounded by close boarded fencing to the north and south and landscaping to the west.</p> <p>The application site lies within a Limestone Minerals Safeguarding Area and Hemswell Conservation Area. The All Saints' Church, a Grade II* Listed Building, is located approximately 85m to the south-west of the application site. The site lies within an Area of Great Landscape Value.</p> <p>The application seeks permission for a single storey rear extension.</p>

Relevant history:
W47/925/93 - Planning application to extend existing domestic garage and form new vehicular access. Granted 07/01/94

Representations:	
Chairman/Ward member(s):	No representations received to date.
Parish/Town Council/Meeting:	No representations received to date.
Local residents:	No representations received to date.

LCC Highways:	No representations received to date.
Archaeology:	No archaeological impact.
Conservation Officer:	This proposal will not impact harmfully on either the setting of the Church of All Saints (grade II*) or the conservation area.

Relevant Planning Policies:	
National guidance	<p>National Planning Policy Framework https://www.gov.uk/government/publications/national-planningpolicy-framework--2</p> <p>National Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance</p>
Local Guidance	<p><u>Central Lincolnshire Local Plan (2012 -2036):</u> LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP25: The Historic Environment LP26: Design and Amenity https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</p> <p><u>Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016</u> Policy M11 Safeguarding of Mineral Resources. https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article</p> <p><u>Hemswell Conservation Area Appraisal.</u> https://www.west-lindsey.gov.uk/my-services/planning-and-building/conservation-and-environment/conservation-areas/</p>
Neighbourhood Plan:	The Hemswell and Harpswell Neighbourhood Development Plan is not at a stage where it can be afforded any weight in this decision.

POLICY LP26 – Design and Amenity	
Is the proposal well designed in relation to its siting, height, scale, massing and form?	Yes, the proposal is modest in scale and would form a feature which would be visually and functionally subservient to the main dwelling. Overall, the proposed extension will not change the nature of the dwelling detrimentally.
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?	The proposal forms a modest rear extension. By virtue of the existing layout of the dwelling, the proposal will be located between an existing single storey rear element and the southern boundary. This area of the site currently hosts a decking area. As a result of the site layout, the proposal will not be visible from any public vantage point and will not impact the character of the area or the street scene.
Does the proposal harm any important local views into, out of or through the site?	No important local views will be impacted by this proposal.

Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?
Yes. The materials are considered acceptable.
Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?
Given the positioning of the site and the siting of the proposed extension, the only potential residential amenity impacts are likely to be upon the property and garden of No.9 Dawnhill Lane, to the immediate south of the application site.
<p><u>Overlooking</u></p> <p>The proposal contains a high level window facing towards No.9. The lowest part of the window will be approximately 1.6m from internal floor level. The applicant intends for this window to be obscure glazed which will eliminate any outlook into the conservatory of No.9. Furthermore, the fencing along the shared boundary screens any overlooking issues into the garden space of No.9 from the windows and doors located on the western elevation.</p> <p><u>Dominance</u></p> <p>The proposal is located approximately 0.4m from the shared boundary with No.9 and is single storey in scale. No.9 contains a rear conservatory which is located a similar proximity from the boundary. The natural direction of outlook from the neighbouring conservatory is in a westerly direction (towards the garden). Additionally, a close boarded fence is located along the shared boundary, approximately 1.8m in height. As a result, the proposal will not overly dominate the neighbouring property to the south.</p> <p><u>Loss of Light/Overshadowing</u></p> <p>Given the proposal is located on the northern side of the only impacted neighbouring property (No.9), the proposal will not cause any loss of light or overshadowing issues.</p> <p>To conclude, the proposal is small scale in nature and would not cause any residential amenity issues which would warrant a refusal of the application.</p>
Does the proposal adversely impact any existing natural or historic features?
<p><u>Conservation Area</u></p> <p>The site is located within Hemswell Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area and paragraph 192 of the National Planning Policy Framework sets out the desirability for new development to make a positive contribution to local character and distinctiveness. As a result, all development should preserve or enhance the character and appearance of the conservation area through careful design considering the scale, height, massing, alignment, and use of appropriate materials. The proposed extension is positioned behind the dwelling and not readily visible in the street scene or wider conservation area. The materials used in the development are also key in retaining the character of the conservation area. The applicant has outlined their desire to seek brickwork to match the existing and the roofing will be dark grey EPDM (ethylene propylene diene terpolymer) membrane. All other materials will match the existing dwelling. These are considered acceptable and a condition will be attached to the decision of the scheme to secure such details. Overall, the proposal would respect the character and setting of the conservation area.</p>

Setting of Listed Building

The All Saints' Church, a Grade II* Listed Building, is located approximately 85m to the south-west of the application site. Under Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 the local planning authority is required to have 'special regard' for the preservation of the setting of a listed building. Setting is more than views, it is how the building is experienced.

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It goes on to advise that unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposals do not harm the significance of the asset and or its setting.

Proposals will be supported where they:

- Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials siting, layout, mass, use and views and vistas both from and towards the asset;
- Promote opportunities to better reveal significance of heritage assets, where possible;
- Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

Due to the proposals proximity from the site and the level of screening in the immediate vicinity of the area, between the proposal and the heritage asset, the proposal would not impact the significance of the Listed Building or the setting thereof.

Other considerations:

Does the proposal enable an adequate amount of private garden space to remain?

A suitable amount of garden space will still remain on the application site.

Does the proposal enable an adequate level of off street parking to remain?

There will be no change to the parking arrangements on site.

Minerals Safeguarding Area

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

In accordance with policy M11, a householder development is exempt from the requirement to supply a minerals assessment as part of the proposal. Overall, it is considered that the development is of a minor nature which will have a negligible impact with respect to sterilising the mineral resource and therefore would not warrant a reason for refusal.

Area of Great Landscape Value

The site is located within an Area of Great Landscape Value. However, because the dwelling is located within the urban footprint of Hemswell, surrounded by development on all sides, the proposal is unlikely to impact the special characteristics of the landscape.

Conclusion and reasons for decision:

The decision has been considered against the policies LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan, Section 72 Planning (Listed Building & Conservation Areas) act 1990 and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment it is considered that the proposal will not harm the character and appearance of the street-scene or the dwelling. No harm would arise to residential amenity. The proposal will preserve the setting and character of the Hemswell Conservation Area and the nearby Grade II* Listed Building. The proposal will not result in an adverse impact on the sterilisation of a minerals resource of the Area of Great Landscape Value. The proposal is therefore considered to be acceptable.

It is recommended that the application be delegated back to Officers, to determine the application in accordance with the given resolution, following the expiry of the publicity period (21st December). Should any new material considerations arise within the intervening period, then the application may be referred back to the Committee for further consideration.

RECOMMENDATION: Grant permission subject to conditions

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. The materials used in the development shall match those stated on the application form and the following drawing(s): EXISTING & PROPOSED PLANS and ELEVATION_SOUTH_002 dated 17.11.18 and WEST_ELEV_01 dated 02.11.18.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: Proposed Site Block Plan dated 04.11.18, EXISTING_ & PROPOSED_PLANS and ELEVATION_SOUTH_002 dated 17.11.18 and WEST_ELEV_01 dated 02.11.18. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

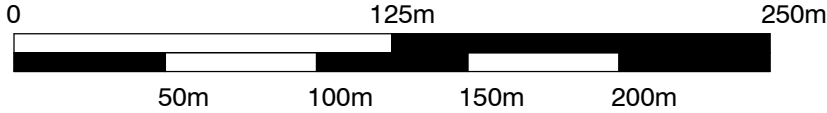
Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.

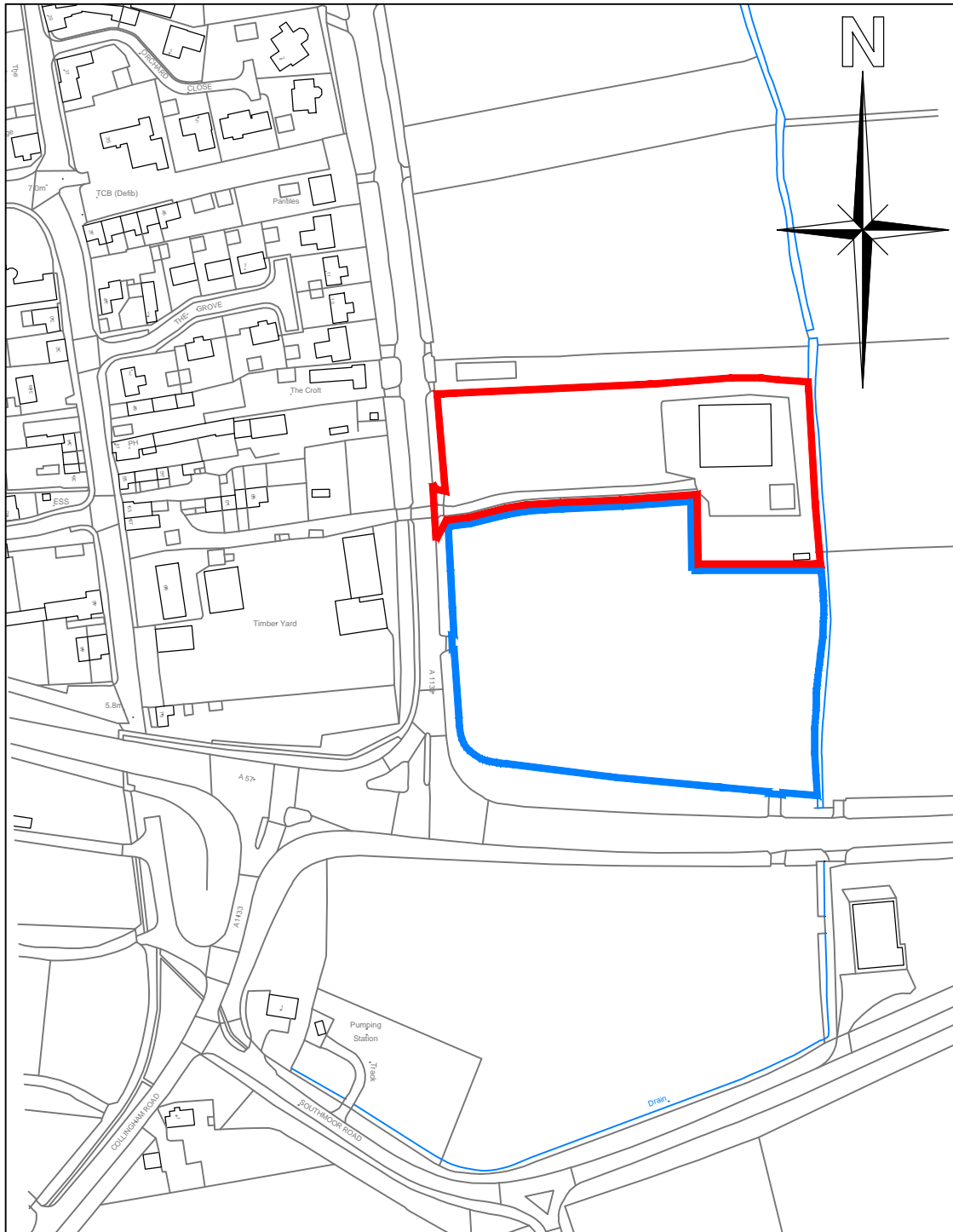
Agenda Item 6b


Scale Bar

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Application Number 138441



A	Site Boundary Lines amended	09-11-18	Drawing:	Site Location Plan	
Revision	Description	Date	Status:	Planning	
RSM Maintenance Ltd Commercial Unit, Land East of A1133, Newton on Trent, Lincoln, Lincolnshire			Scale:	1:2500 @ A4	
			Date:	September 2018	
			Drwg. No:	1469M/101	
			Revision:	A	Drawn by
					Artech Designs Ltd Architectural Consultants 44 Church Road - Sexilby Lincoln - LN1 2HJ Tel 01522 803362 Mob 07808 815366 martin@artechdesigns.co.uk www.artechdesigns.co.uk

Officers Report

Planning Application No: 138441

PROPOSAL: Planning application for change of use of existing building and adjoining land to commercial use

LOCATION: Land East of A1133 Newton On Trent Lincoln Lincolnshire LN1 2GJ

WARD: Torksey

WARD MEMBER(S): Cllr S F Kinch

APPLICANT NAME: RSM Maintenance Ltd.

TARGET DECISION DATE: 18/12/2018

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant Permission (Temporary Planning Permission for 12 Months).

Description:

The site is in the countryside to the east of Newton on Trent to the east of the A1133 and to the north of the A57 (located to the north of the junction of these two roads). The site is accessed off the A1133 through a set of security gates which give access to an unmetalled track leading to a large steel portal framed building (mainly green with a grey roof) located towards the north east corner of the site with two grey portacabins located immediately to the west of the steel portal framed building. To the south of the building is an area used for car parking and the storage of materials the rest of the site is a grass field with some trees on the southern side of the access track. The site is open on its southern boundary to a wider grass field owned by the applicant. The site has screening in the form of a hedgerow and trees on its western boundary and hedgerows on its eastern and northern boundaries with there being a hedgerow further to the south fronting the A57. The site is within Flood Zone 3 (high probability).

The steel portal framed building to be found on the site was deemed to be permitted development under an agricultural determination application (128059) granted in December 2011. The Permitted Development Order permits certain developments "which are reasonably necessary for the purposes of agriculture within that [agricultural] unit". It replaced a damaged structure that had no planning history. The application form, completed by the same applicant as this present application, stated that the new building will be used for the storage of farm tractors. Subsequent applications (132395 and 136092) to extend the agricultural building were also submitted by the same applicant. In August 2018 an application (137872) submitted by the same applicant was withdrawn when the present commercial use (RSM Maintenance Ltd) of the agricultural building was brought to light.

The applicant has now applied to change the use of the existing agricultural steel portal framed building and surrounding land to a commercial use under this application (138441). The steel portal framed building contains storage areas and a workshop. There are two grey porta cabins located directly in front the western elevation of the steel portal framed building which contain an office, meeting room and a WC.

Relevant history:

128059 - Agricultural Determination to erect farm tractor shed. The proposed agricultural storage building was deemed to be permitted development (prior approval not required) on the 14/12/2011.

132395 - Agricultural determination to erect extension to an existing tractor shed. Prior Approval not required 23/02/2015.

136092 - Agricultural determination to erect farm tractor shed extension. Planning Permission Required 18/05/2017.

137872 – Full planning application for erection of detached office unit, with one bedroom unit at first floor to provide onsite security deterrent. Withdrawn 10/08/2018.

Councillors may also wish to be aware of a similar proposal currently to be determined approximately 158 metres to the south east of this site:

138182 – Full planning application for change of use of land from agricultural to a builders yard (P and M Pavers (Lincoln) Ltd", 3 Southmoor Road, Newton-on-Trent, Lincoln).

Representations:

Ward member Cllr S F Kinch: RSM Contractors have been running since 2002, they started in business primarily as an agricultural contractor farming other people's land and in 2013 formed as RSM Maintenance. This is very common these days because smaller farms just can't keep up with the costs of modern farm equipment. The business has done well employing 15 full time and 7 part time staff mainly from the local area. Like many farmers and agricultural contractors they have had to diversify into other areas, this has worked well for RSM as it doesn't interfere with the seasonal work of farming and allows them to keep busy delivering a good service to the local authorities in Lincolnshire.

Newton on Trent Parish Council: Supports the application. My Council supports this application, however there was concern that access to the A1 133 should be avoided, as this would encourage other properties along the A1 133 to make application to do the same.

The volume of traffic from this development alone could have implications for the safe movement of vehicles along this stretch of the A1133, which has, at present, a 60-mph speed limit.

Local residents/Other Representations:

Chandlers (Farm Equipment) Ltd, Belton, Grantham

RSM Maintenance Ltd is a professional business primarily carrying out the maintenance of road side verges. The business has grown over the past 15 years from its origins as a small agricultural contracting business. The nature of the business has evolved from being exclusively agricultural carrying out baling contracting employing 2 people to its current successful state employing a large team of operators using the latest modern equipment to carry out municipal work. It is essential for the future success of the business that they are allowed to continue to operate from the premises detailed in this planning application.

Manor Farm, Skellingthorpe, Lincoln

We are Farmers and Contractors and have worked with Robert Minnitt since 2002 when he first started working in agriculture , since then his company has grown and in recent years he has diversified in Ground Maintenance as well as staying in Agriculture and now employs 15 full time staff , I believe he has done this to try and keep an all year round employment for these staff as Agriculture is so seasonal and dependant on the recent erratic weather patterns , RSM's ability to help us over our busy / seasonal periods with both Labour and Machinery is crucial to us being able to conduct our business.

12 School Lane, North Scarle, Lincoln

I grew up in Newton and am a previous employee of the business. A number of my good friends are still employed by it. I strongly support this application which will allow the business to diversify and continue employing people from the surrounding villages.

Cobthorne, Lincoln Lane, Newton on Trent

Having grown up in Newton on Trent I believe that RSM Maintenance is a valuable business which not only serves Lincolnshire County but also helps to employ local people who are integral to our community. It is very important businesses are able to diversify in order to survive and provide; I therefore fully support this application and hope the buildings and site are granted 'commercial' status.

C Arden, Newton on Trent

I fully support this application as it will secure and protect these rural jobs. It will also hopefully strengthen the company so it can win more contracts and employ more people in the area. Whilst providing a much needed service to the county making our roads safer.

Supporting petition from 10 employees received.

LCC Highways and Lead Local Flood Authority: Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Minerals and Waste: No representations received to date.

Environment Agency: We have no objections to the proposed development as submitted.

Economic Development: In principle and subject to normal planning considerations, the Growth and Projects Team are supportive of this planning application. RSM Maintenance are a well-established employer in the district providing agricultural services and more recently the company has diversified to offer highway maintenance services. Their customer base extends across Lincolnshire and Nottinghamshire as well as into Derbyshire and Yorkshire working predominantly with Council organisations on highway contracts.

Options for alternative accommodation within the West Lindsey district is limited, so consent to allow the continued operation of RSM Maintenance from their existing site will safeguard existing local jobs (currently 12 ft. and 5 pt.) and provide a sustainable location for the company's future operation and growth. The growth team are supportive of the economic benefits of this application.

Trent Valley IDB: The board maintained Newton Sewer an open watercourse exists along the boundary of the site. The boards consent is required to erect any building or structure (including walls and fences) whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of the watercourse. Consent is also required for any works whether temporary or permanent in over or under the watercourse and for any works that increase the flow or volume of water to the watercourse. Surface water run-off rates must not be increased to the watercourse from the proposed development.

IDOX: Checked 29/11/2018

Relevant Planning Policies:

Central Lincolnshire Local Plan (2017)

The CLLP was formally adopted on 24th April 2017, and now forms part of the Development Plan. The following policies are considered to be most relevant:

- LP1: A presumption in favour of sustainable development
- LP5: Delivering Prosperity and Jobs
- LP13: Accessibility and Transport
- LP14: Managing Water Resources and Flood Risk
- LP17: Landscape, Townscape and Views

LP26: Design and Amenity
LP55: Development in the Countryside

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/centrallincolnshire/local-plan/>

Neighbourhood Plan

No plan currently being prepared.

Lincolnshire Minerals and Waste Local Plan (2017)

The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 applies.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planningand-development/minerals-and-waste-local-plan/88170.article>

National Policy:

National Planning Policy Framework 2018 (NPPF)

Paragraph 213 states that “*existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*”

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Main issues

- Principle of Development
- Economic Development
- Residential Amenity
- Visual Amenity
- Flood Risk
- Minerals Safeguarding
- Other Matters

Assessment:

Principle of Development

The Government permits certain types of development without the requirement of the Local Planning Authority’s permission (‘permitted development’). This includes, subject to certain limitations and conditions, “*The carrying out on agricultural land comprised in an agricultural unit... works for the erection... of a building which are reasonably necessary for the purposes of agriculture within that unit.*”

The steel portal framed building to be found on the site was deemed to be permitted development under an agricultural determination application (128059) granted in December 2011. It replaced a damaged structure that has no planning history. The application form, completed by the same applicant as this present application, stated that the new building will be used for the storage of farm tractors. Subsequent applications (132395 and 136092) to extend the agricultural building were also submitted by the same applicant.

RSM Maintenance Ltd state on their website that they are one of the UK's largest road side grass cutting contractors. The website goes on to state that 'our main customers have always been Highways, Commercial and Local Councils'. 'Our services include, but are not limited to, roadside verge flailing as well as hedge-cutting, weed control, gritting and snow clearance, roadside furniture maintenance and cleaning, and all de-vegetation works.'

In August 2018 an application (137872) submitted by the same applicant was withdrawn when the present commercial use (RSM Maintenance Ltd) of the agricultural building and land was brought to light.

This proposal seeks to change the use of the existing steel portal framed agricultural building/porta cabins and the adjoining land to facilitate the above commercial operation.

Policy LP5 of the CLLP states that "The Central Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity and job growth to the area." The application site does not fall within an allocated employment use area.

Under Other Employment Proposals it states that other employment uses not covered by Strategic Employment Sites (SES), Employment provision within Sustainable Urban Extensions (ESUEs), Important Established Employment Areas (EEA) and Local Employment Sites (LES) categories will be supported provided:

- There is clear demonstration that there are no suitable or appropriate sites or buildings within the allocated sites or within the built up area of the existing settlement;
- The scale of the proposal is commensurate with the scale and character of the existing settlement;
- There is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;
- There are no significant adverse impacts on the viability of delivering any allocated employment site; and
- The proposal maximise opportunities for modal shift away from the private car

The site is located outside of the existing settlement in the countryside.

The applicant's supporting statement does not address policy LP5 or set out any explanation or operational requirements that would prevent the business from being located onto a nearby employment site.

It is considered that there are more suitable, alternative sites for this type of development. The site is approximately 4 miles from 3 business parks at Saxilby; Saxilby Enterprise Park, Riverside Enterprise Park and Allens Business Park which are either allocated under the CLPP (E22 Allocation in connection with Policy LP5) for B1, B2 and B8 uses or in the Saxilby Neighbourhood Plan (Site 1, 2 and 3 of Proposal Map 3 in connection with Policy 7 of the Plan) for such uses. Both Policy LP5 of the CLLP and Policy 7 of the Saxilby Neighbourhood Plan allow for appropriate new B1/B2/B8 employment developments and/or redevelopment of sites for B1/B2/B8 uses. However, a search conducted by the Economic Development Team on the 29/11/2018 found no available accommodation within West Lindsey that will currently accommodate the 695 sq metre (approximately 7,500 sq. ft.) buildings on this site and surrounding land currently being utilised. The only site that will be available in the near future is Enterprise West Lindsey Phase 1 (Riverside Enterprise Park) which totals around 8.1 hectares (20 acres) which can accommodate buildings of up to 2,787 sq. metres (30,000 sf ft.).

Saxilby Industrial Area (described above) is in close proximity to one of the district's larger villages, Saxilby and close to rail and bus public transport links. These business parks offer a range of business sizes and uses (B1, B2 and B8).

No evidence has been provided to demonstrate that sites within the Saxilby Industrial Area are inappropriate and/or unsuitable, or that there is a particular locational requirement for the present commercial operation to operate at the application site; albeit it is operating out of a building only permitted as an agricultural building and not for commercial uses.

It is accepted that West Lindsey is a rural district and there is a heavier reliance on the private car to access services and facilities. However, with only one of the ten employees who have signed the petition living in Newton on Trent there would be more opportunities for alternative modes of transport to be used from the allocated business parks. Newton on Trent have limited bus services to surrounding large population centres such as Gainsborough and Lincoln and therefore due to the location of the site, within the countryside, there would be a heavy reliance on the use of the private car.

Part E of policy LP55 states that proposals for non-residential developments will be supported provided that:

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
- b) The location of the enterprise is suitable in terms of accessibility;
- c) The location of the enterprise would not result in conflict with neighbouring uses; and

d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

Similar to residential development, non-residential development within rural areas must be sustainable and respectful to its setting. Only commercial enterprises which can be justified to maintain and enhance the rural economy (for example, establishment of a farm shop) will be supported providing all other relevant criteria are met. It is considered that this proposal is located in an unsustainable location and would be better accommodated on the Saxilby Industrial Area (described above) which is in close proximity to one of the districts larger villages, Saxilby and close to rail and bus public transport links.

Therefore, it is considered that this proposal does not accord with policies LP1, LP5 and LP55 of the Central Lincolnshire Local Plan and would be better located on an existing / allocated employment site, of which there are sites approximately four miles from the application site.

However, as the applicant is an employer currently operating from within the premises, it is recommended to grant permission on a temporary 12 months basis (subject to other considerations explored below) to allow the commercial operation the opportunity to re-locate to a more suitable employment site.

Economic Development

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas. The NPPF also supports economic growth in order to create jobs. The proposal supports 12 full time and 5 part time employees and is supported by West Lindsey District Council's Economic Development Section as well as the Ward Councillor.

It is therefore considered that this proposal is finely balanced with the proposal considered to be in an unsustainable location contrary to Policy LP1, LP5 and LP55 of the Central Lincolnshire Local Plan balanced against the fact that the commercial operation provides 12 full time and 5 part time jobs and has been operating out of the present steel portal framed agricultural building on the site for around six years since application 128059 was granted on the 14/12/2011.

However, as there are likely to be available alternative accommodation/employment sites to accommodate this proposal it is recommended to grant permission on a temporary 12 months basis (subject to other considerations explored below) to allow the commercial operation to re-locate to a more suitable site.

Visual amenity

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal

should respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The application is for the change of use of an existing building and adjoining land to a commercial use. The site is located in the countryside to the east of the A1133 and to the east of the built footprint of Newton on Trent. The site has screening in the form of a hedgerow and trees on its western boundary and hedgerows on its eastern and northern boundaries with there being a hedgerow further to the south fronting the A57. It is therefore felt that the proposal will not have an adverse visual impact on this countryside location. However, the good screening that the site currently enjoys could be removed at a future date and also the red line (please see other matters below) for this proposal is for a much larger area than the steel portal framed building located towards the north eastern corner of the site and the area immediately to the south which were the only areas of the site which were being utilised at the time of the officer site visit on the 23 October 2018.

Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

The nearest dwelling (The Croft) is located approximately 56 metres to the North West of the site entrance on the other side of the A1133. The dwelling is located approximately 132 metres from the steel portal framed building on the site. The site also has good screening on all its boundaries and a boundary further to the south of the site which fronts the A57. It is therefore considered that the proposal will not have a harmful impact on the living conditions of neighbouring dwellings.

Flood Risk

The application is for the change of use of an existing building and adjoining land to a commercial use. Such a use is considered to be a less vulnerable use in the flood risk vulnerability classification table contained in National Planning Policy Guidance (Paragraph: 066 Reference ID: 7-066-20140306).

Paragraph 164 of the NPPF states that application for 'changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

The Planning Statement (October 2018) which forms part of the supporting documentation for this application contains a flood risk statement in section 6 of the report; which states the following justification for the proposal:

- The existing commercial business is not at significant risk and will not increase flood risk to others. It has operated as such for 28 years.

- Although in Flood Zone 3 the site is protected from flooding from the River Trent by defences, including a raised defence.
- It is an established business on site and the building is long established in its current location. Any other location (off site) for the building would not meet RSM's needs. Relocation on site is not feasible nor necessary. It would have no beneficial impact on flood risk.
- Commercial establishments are less vulnerable to flood risk and no relocation on site would result in the existing building being in Flood Zone 1.

The Environment Agency raises no objections to the application. Therefore it is considered that the proposal complies with Policy LP14 of the CLLP.

Minerals Safeguarding

The application site is within a Mineral Safeguarding Area (MSA). Policy M11 of the Core Strategy & Development Management policies (CSDMP 2016) therefore applies. This application is for the change of use of an existing building and adjoining land to a commercial use therefore it is considered that the proposed development will have a negligible impact with respect to sterilising the mineral resource. Lincolnshire County Council Mineral and Waste have not objected to this application.

Other Matters

Curtilage

At the time of the officer site visit (23/10/2018) just the area immediately to the south of the steel portal framed building (and a smaller area to the west) was being utilised for parking and the storage of materials. This is also the case in a photograph in Appendix 1 (dated 2018) of the submitted planning statement (dated October 2018). An amended red line around the access to the site, the steel portal framed building and land immediately to the south (and smaller areas of land to the west and the east of the building) was sought from the applicant. This request was rejected with the applicant wishing the red line to go around the whole of the site (including areas of grass) apart from an area to the south of the access track which has been taken out of the redline as originally submitted. The agent for the application stated in an email received on the 12/11/2018 that the 'land to the north of the access is and has been used for the storage of vehicles, trailers etc. for many years.'

Conclusion

The decision has been considered against Policy LP1: A presumption in favour of sustainable development, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan and guidance contained within the National Planning Policy Framework (2018) and Planning Practice Guidance.

In light of this assessment it is considered that the proposal which is located in the countryside to the east of Newton on Trent which has limited public

transport links to surrounding population centres such as Gainsborough and Lincoln would place a heavy reliance on the use of the private car for employees. The proposal would be better accommodated in a more sustainable location such as on the Saxilby Industrial Area (Saxilby Enterprise Park, Riverside Enterprise Park and Allens Business Park) approximately four miles from the site which is in close proximity to one of the districts larger villages, Saxilby and close to rail and bus public transport links.

The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas. The NPPF also supports economic growth in order to create jobs. The proposal is finely balanced as it is located in an otherwise unsustainable countryside location contrary to Policy LP1, LP5 and LP55 of the Central Lincolnshire Local Plan balanced against the fact that the commercial operation provides 12 full time and 5 part time jobs and has been operating out of the present steel portal framed agricultural building on the site for around six years since the prior approval of the local authority was given for an agricultural building in 2011 (128059).

However, as there are likely to be available alternative accommodation/employment sites to accommodate this proposal it is recommended to grant permission on a temporary 12 months basis (subject to other considerations explored below) to allow the commercial operation to re-locate to a more suitable site.

Recommendation: That planning permission is granted for a temporary period of 12 months subject to the following conditions:

1. The use of the agricultural building for commercial purposes is hereby permitted for a period of 12 months from the date of this decision. Thereafter the use of the building shall revert to its previous use.

Reason: In order to give this commercial operation time to be relocated to a more suitable and sustainable site in accordance with the NPPF and Policy LP1, LP2 and LP55 of the Central Lincolnshire Local Plan,

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 1469M/101 Rev A dated 9/11/2018 and 1469M/102 Rev B dated 12/11/2018. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not

interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.



Application Number 137789

Officers Report

Planning Application No: 137789

PROPOSAL: Outline planning application for up to 9no. dwellings with all matters reserved

LOCATION: Land east of Laughton Road Adj Irwin Road Blyton
WARD: Scotter and Blyton

WARD MEMBER(S): Cllr Mewis & Cllr Rollings
APPLICANT NAME: Mr Maris

TARGET DECISION DATE: 15/11/18 (Extension of time agreed until 30/11/18)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Approve subject to conditions.

This application has been referred to the Committee on the basis that Officers have considered it appropriate to do so, in view of the levels of opposition who challenge whether the development accords with the strategic policies of the Local Plan.

Description:

Outline application for residential development of up to 9 dwellings with all matters (layout, scale, appearance, landscaping and access) reserved.

Although all matters are reserved, the applicant has provided an indicative plan and a draft drainage strategy in the form of a plan. The site is likely to be accessed from Irwin Road a relatively new estate road connecting to the A159 to the west.

The site is located on an agricultural field adjoining the north eastern corner of the village of Blyton. The site falls considerably to the south and east towards the north eastern corner of the site from approximately 15m AOD to 11m AOD at its lowest point. A field hedge wraps around the site to the north. To the south the boundary changes to 1.8m high domestic fencing where it adjoins existing houses to the Irwin Road estate. A shallow drainage ditch also runs to the southern boundary that links to a similar one to the east. The site is open to the east and the remaining field.

Adjoining the site to the south and west is an existing housing estate at Irwin Road with its access drive to the A159 Laughton Road. Properties facing the site to the west are generally two storeys in height with many having facing windows and doors. Some two storey properties also have dormer windows to the roof. To the south houses generally side onto the application site. To the

north and east of the site is further open countryside. Although access is not a matter under consideration it is likely to enter Irwin Road to the west of the development. This road is 5m wide with a pavement down one side. Street lighting is available on this access.

Relevant history:

There have been a number of refusals on the actual application site although all relate to larger site areas and greater level of development than the present proposal.

- **137047 Outline planning application to erect up to 15no. dwellings with all matters reserved-resubmission of 134722 Refused 26th Jan 2018**

The two reasons for refusal are as follows:

1. The proposed development of 15 dwellings would be constructed on a greenfield site on the edge of the village of Blyton, extending the village into open countryside. The quantum of development would be above that accepted on single sites within medium villages under policy LP2 of the Central Lincolnshire Local Plan. Exceptional reasons, justified by local circumstances have not been demonstrated to justify a development coming forward at a larger scale, and it does not have clear local community support. The proposal is therefore contrary to the Central Lincolnshire Local Plan, particularly policies LP1, LP2, LP3 and LP4 and the provisions of the National Planning Policy Framework (NPPF).
2. The detail provided relating to the disposal of foul and surface water is insufficient to conclude that the site can be developed without unacceptable impacts on the existing drainage network leading to potential flooding, health and contamination concerns contrary to policy LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

- **134722 Outline planning application to erect up to 25 dwellings with all matters reserved. Refused 18 July 2017**

The three reasons are refusal are as follows:

1. The proposed development of 25 dwellings would be constructed on a greenfield site on the edge of the village of Blyton, extending the village into open countryside. The quantum of development would be above that typically accepted on single sites within medium villages under policy LP2 of the Central Lincolnshire Local Plan. Exceptional circumstances, justified by local circumstances have not been demonstrated to justify coming forward at a larger scale, and it has not been otherwise demonstrated that the proposals have clear community support. In addition to this, there has been no sequential analysis of

more appropriate alternative sites more central to the village which would better maintain the core shape and character of the village, potentially avoid the loss of greenfield land and would allow easier access to local facilities and services including recreational and health facilities. The proposal is therefore contrary to the Central Lincolnshire Local Plan, particularly policies LP1, LP2, LP4, LP9 and LP24, and the provisions of the National Planning Policy Framework (NPPF).

2. Insufficient detail has been provided to conclude that the site can be constructed without unacceptable impacts on the natural environment and ecology contrary to policy LP21 of the Central Lincolnshire Local Plan and the provisions of the NPPF.
3. The details provided relating to the disposal of foul water/ waste is insufficient to conclude that the site can be constructed without unacceptable impacts on the existing foul drainage network leading to health and contamination concerns contrary to policy LP14 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

The only other entries to the relevant planning history on the actual site also relate to a wider site area to include the current housing estate to the south and land to the east as well.

- W8/1381/89 **Outline application to erect 75 dwellings - Refused 9 Feb 1990**
- M00/P/1044 **Outline planning for residential development – Refused 23 Aug 2001 Appeal Allowed 26/7/2002**

There are however other application sites to be considered relevant to the application and these are as follows:

Land off High Street Blyton

- 137616 **Outline planning application for up to 4no. dwellings with all matters reserved.** Approved 12th June 2018.
- 136431 **Outline planning application for the erection of 7no. dwellings with access to be considered and not reserved for subsequent applications – Granted 27th September 2017**
- 132782 **Outline planning application for the erection of up to 19no. dwellings-access to be considered and not reserved for subsequent applications – Granted 10 February 2016**

Representations:

Chairman/Ward member(s):

Cllr Mewis requests the application be determined by Planning Committee whilst acknowledging the request was submitted after the 28 day call in period. The Cllr wants determination by committee due to the level of local objection, Blyton Parish Council objection and petition. Concern is raised at conflict with Policy LP2- it doesn't retain core shape and form, will change core shape and form, creating linear ribbon development away from core services. Site is outside developed footprint of the village and conflicts with LP4. Proposal contrary to LP14 due to flooding and drainage issues on adjacent estate and failure to provide SUDS.

Blyton Parish Council:

"Blyton Parish Council objects to this application on the grounds stated below:

1.Previous Application under Application Numbers 134722/137047 The Applicant previously applied for planning permission under application numbers 134722 (25 dwellings) and 137047(15 dwellings) which were both refused. Council cannot see any of the reasons for objection stated previously have been addressed other than a reduction in size of the development.

Location of Development

The Application relates to a greenfield site on the edge of the village, the lowest priority site for development. A number of sites around the village have been identified that may be more preferential to the village. It is the view of the Parish Council that these sites should be explored further before proceeding with development on a Greenfield site.

Foul Water and Waste

The new application states that the existing drainage in place for Irwin Road will be used for the new development. The Parish Council continues to receive feedback from the Residents of Irwin Road that drainage is an ongoing problem and the current facilities are already stretched. Indeed, it is important here to consider the practical realities of the situation and a review of the same before a sensible view can be taken as to the state of drainage in the locality.

2.Access

Access to the proposed development will be off Irwin Road and the rights have been retained to allow such access by the Applicant. The Parish Council continues to have concerns in relation to this access and objects to the application due to the ongoing issues.

Irwin Road has not been adopted and is therefore privately owned by the management company responsible for the communal areas of Irwin Road, for which the residents pay by way of an annual maintenance fee. Increased traffic to Irwin Road would mean it would deteriorate faster and may increase risks to pedestrians and increase any on street parking.

Further, the costs to the residents of Irwin Road must be considered given that they pay for the maintenance of the road and surrounding areas. It is noted that 3 dwellings have been erected to the right on

the entrance to Irwin Road who do not contribute annual charges towards the upkeep of the same but enjoy the benefit. Given that this cannot have been considered in the relevant planning application and grant for those dwellings, it is of particular concern to the residents, as represented to us, that this is dealt with.

The proposed part of Irwin Road to be used as access is already a busy pedestrian access to the village for the residents and in addition is used as a bus stop for children catching the school bus. An increase in traffic would pose a significantly increased risk to the children and adults using the footpath for pedestrian access and waiting for school buses.

As noted above, further development has already taken place on this access road which will increase the volume of cars parked in this area and hazards for pedestrians. The parking of cars on this road will also impact visibility for cars entering or exiting the proposed development.

Access for pedestrians to and from the proposed development will also need to be considered. The footpath serving Irwin Road and linking the same to the village is on the opposite side of the road to the new development. Safety will need to be considered the pedestrians accessing the village and the village amenities. It is the view of the Parish Council that the planners should consider this, and the Parish Council reserve the right to comment further upon receipt of appropriate plans.

3. Flooding

The Parish Council object to the application due to the increased risk of flooding to Blyton as a whole. The Parish Council acknowledges that the proposed site is in a low flood risk area, however the impact of the site on the surrounding area and village as a whole may be significant.

There are already instances of flooding in the village which are an ongoing concern for the village and parish council. Despite objections in the past to planning applications due to these very real concerns West Lindsey DC Planning Department has granted permission which has exacerbated the problem and needs to be addressed before any further permissions are given.

This issue was raised in relation to the previous applications and it is the view of the Parish Council that this has not been sufficiently addressed in the new application.

The proposed site sits above existing development and therefore risk of flooding to the new site is low, the run off created from the loss of agricultural land will impact the village to the North where there is historical flooding issues.

4. Support of the Village Residents

The Parish Council and the Local Planning Authority cannot ignore the views of the Residents of Blyton. The proposed development and the previous applications relating to the proposed site have received a significant number of comments from local residents opposing the development.”

Local residents:

Objections have been received from 1, 3, 20, 22, 26, 41, 42, 43, 48, 53 Irwin Road which are summarised as follows:

- Application almost identical to previous refusal. Previous reasons for refusal not overcome. Applicant could appeal previous refusals. Council shouldn't support new applications pending outcome of appeals. Supporting this application would undermine defence of subsequent appeals.
- Piecemeal developments avoid s106 agreements for facilities and affordable housing.
- Unsustainable development. Significant distance to services in Blyton.
- Significant objection/lack of community support for proposal.
- Impact on residential amenity including loss of natural light, overlooking from the proposal, exacerbated by gradient of land.
- Development of this size not required in Blyton, especially due to other approvals. Blyton has a 5 year supply of housing land. A neighbourhood plan could be produced if more housing is needed.
- Site is not sequentially preferable under LP4 and conflicts with LP2 due to core shape and form. Brownfield sites should be prioritised. Conflicts with LP14 due to drainage problems.
- This development will undermine attempts to regenerate Gainsborough.
- Future residents will not contribute to management company that manages neighbouring estate but they will benefit from it.
- Highway safety impacts, including high speed of vehicles on A159. Will exacerbate parking problems. Irwin Road unfit to accommodate additional housing.
- Blyton cannot support extra housing/people. School is full, amenities are inadequate and there is a lack of employment opportunities.
- Existing drainage and flooding problems will be exacerbated.
- Proposal will set a precedent. Site could be extended in the future.
- This greenfield site should remain. Loss of hedgerow. Loss of farmland.
- Loss of property value.
- If approved, the local government ombudsman will be notified.
- Increased ribbon development.
- Impact of construction traffic including mud and lack of gritting results in danger.

A petition against the proposal has been received. Comments from the organiser of the petition are summarised as follows. Petitioners against 137047 were notified their signatures would be reused for current application, unless they wished it to be removed; previous petition was almost unanimous from Irwin Road residents and was time consuming for organiser; residents have complained about consultation fatigue and harassment of new application; residents may take judicial review if the application is approved; there have been problems submitting comments due to Council website problems; perceived lack of postal notification to Irwin Road compared to

previous application; residents have complained about not being able to make comments and the case officer may have denied an extension to the deadline for comments.

The petition with 66 signatures calls for the application to be refused with the following objections raised (summary):

- Proposal is unsustainable, resulting in loss of greenfield agricultural land.
- Unnecessary intrusion into the open countryside and would exacerbate unsightly ribbon development along the A159.
- Poor planning as proposal is located significant distances from the few local services in the village.
- Does not support place making or assist delivery of additional services and facilities.
- Unacceptable adverse impact on residential amenity of Irwin Road residents by virtue of overshadowing and loss of light.
- Increased flood risk to existing properties.
- Exacerbate access problems from an adopted private estate road.
- Loss of mature hedgerow.
- Development not required. Blyton has an adequate supply of new housing sites in a village with low demand.

WLDC Environmental Protection Officer: insufficient information to respond; use of a berm should be scrutinised for how it will reliably and sustainably intercept overland flow before it impacts proposal and how and where it will direct it. Gradients to north indicate risk of overland flooding; potential land drain brings similar concerns regarding ability to intercept and divert flow but an infiltration trench and land drainage were retrospectively installed to benefit the existing development; both methods need to demonstrate ability to withstand and appropriately divert, store and attenuate a flash flood from the North.

LCC Highways and LLFA:

LCC Highways and LLFA comments 29/11/18 in response to re-consultation following receipt of amended drainage details, summarised as follows:

- Comfortable that the site can be drained sustainably (either by infiltration or by discharge to an adjacent watercourse), and the principle of development is acceptable.
- Notwithstanding the submitted details, conditions regarding provision of roads and footways; drainage details; and informatives are recommended.

22/6/18:

“Highways

Access and layout are reserved matters and have not been considered as part of this application. For information the estate road forming access to the development will require building to an adoptable standard, details of

geometric design can be found in the design guide on Lincolnshire County Councils website

Drainage

Submitted drainage strategy is unfeasible. The construction detail of the permeable paving is dependent on the soaked CBR value of the ground at formation level. This has not been determined, only assumed. A one metre buffer between the bottom of the construction of the permeable paving and the seasonally high water table level is also required and this has not been determined. The construction detail shown for the permeable paving is incorrect as its depth is too shallow. Typically 560-950mm should be allowed for construction thickness dependant on the soaked CBR values and hydraulic storage requirements. Therefore the piped overflow into the roadside swale indicated for additional storage requirements is unfeasible within the limits of swale construction depth. As the preferred method of surface water discharge for the site is infiltration, a correctly designed permeable pavement is recommended. The following information will be required to determine if this is feasible:

- Soaked CBR values of the existing ground at formation level
- Water table depth

There is also the option to discharge at greenfield run-off rate to the nearby watercourse should the above prove unfeasible. An intercept drain to along the Northern boundary of the application site to capture run-off from the field above will be required to protect the development. It has been proposed as part of the application however further details of its position and type will be required for consideration. Further details relating to drainage specification and construction detail can be found on Lincolnshire County Councils website.”

LCC Minerals and Waste Team: “It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and that the development could not be reasonably cited elsewhere. It is considered that there may be opportunities, as the development progresses, to incorporate or utilise mineral realised by extractive operations carried out to facilitate construction and a commitment from the developer to take advantage of these resources should be incorporated into the development consent should permission be granted. Accordingly, the County Council has no safeguarding objections in principle subject to the above provision.”

LCC subsequently advised an informative would be appropriate for the above.

Environment Agency: no comment.

LCC Archaeology: no archaeological input required.

Anglian Water: only comments on major applications of 10 dwellings or more.

Shire Group of IDB's for Scunthorpe & Gainsborough Water Management Board: The site is within the IDB's area. The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site. Generic guidance is provided on disposal of surface water to soakaways, mains sewer and watercourse. The requirements for IDB consent are set out.

Lincolnshire Police: note this is an outline application and raises no objection. Design guidance is offered.

The applicant responded to the consultation responses.

Idox checked 29/11/18.

Relevant Planning Policies:

Central Lincolnshire Local Plan (adopted 2017)

Policies:

LP1: A presumption in favour of sustainable development

LP2: The spatial strategy and settlement hierarchy

LP3: Level and distribution of growth

LP4: Growth in villages

LP10: Meeting accommodation needs

LP12: Infrastructure to support growth

LP13: Accessibility and transport

LP14: Managing water resources and flood risk

LP17: Landscape, townscape and views

LP21: Biodiversity and geodiversity

LP26: Design and amenity

LP55: Development in the countryside

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Lincolnshire Minerals and Waste Local Plan- Core Strategy and Development Management Policies

Policy M11: Safeguarding of Mineral Resources

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/minerals-and-waste/88170.article>

National policy/guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

<https://www.gov.uk/government/collections/planning-practice-guidance>

Other

Central Lincolnshire Developer Contributions Supplementary Planning Document- Adopted June 2018

Neighbourhood Plan

There is no Neighbourhood Plan currently under way in Blyton.

Main issues

- *Principle of houses in this location (M11, LP2, LP4 & LP55)*
- *Accessibility, highway safety and parking (LP13)*
- *Open space and access to recreation facilities (LP9 & LP24)*
- *Design and Impact on the character of the area (LP17 & LP26)*
- *Residential amenity (LP26)*
- *Drainage and Flood Risk (LP14)*
- *Ecology (LP21)*
- *Other*

Assessment:

i) Principle of houses in this location

The application site is located within a sand and gravel minerals safeguarding area as defined by Policy M11. The required minerals assessment has been submitted. LCC Minerals and Waste Team considers it acceptable and recommends an informative suggesting minerals on the site could be used in the development. Minerals safeguarding is not considered to be a constraint to development. The proposal complies with the requirements of M11.

Blyton is placed within the hierarchy of settlements within the CLLP policy LP2 as a medium village (level 5 of 8). The policy notes that unless promoted via a neighbourhood plan, or through the demonstration of clear local community support the following will apply:

- They will accommodate a limited amount of development in order to support their function and/or sustainability.
- No sites are allocated within the plan, except for Hemswell Cliff and Lea
- Typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 houses.... where proposals can be justified by local circumstances.

Throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:

- Retain the core shape and form of the settlement;
- Not significantly harm the settlement's character and appearance; and

- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

Further guidance is found within policy LP4 which states: In principle, settlements within categories 5 – 6 of the settlement hierarchy will be permitted to grow by 10% in the number of dwellings over the plan period.

In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:

1. Brownfield land or infill sites, in appropriate locations**, within the developed footprint** of the settlement
2. Brownfield sites at the edge of a settlement, in appropriate locations**
3. Greenfield sites at the edge of a settlement, in appropriate locations**

Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.

In this instance, as of 13th November 2018, Blyton has a remaining growth level of 18 dwellings. This takes account of previously approved development within the village. In addition to this, the applicant has reduced the quantum of development to 9 dwellings to accord with policy LP2, therefore no community support is required.

Consideration must be given to whether this is an appropriate location for development as defined in policy LP2. The development would be located on a greenfield site on the edge of Blyton. The site, however, adjoins an existing modern estate to the west and south. In addition to this, Meadow View provides a straight frontage to the village of Blyton. The proposal would effectively round off the village in this location. Its location would not be expected to have a significant impact on the character of the area, with the main public vantage points being screened by the existing houses within the area or softened by the fall in ground levels mitigating most impacts. It is considered therefore that that the site should be considered an appropriate location and would round off the village in this location.

Policy LP4, however, also indicates that within level 5 & 6 settlements a sequential assessment of appropriate sites beginning with brownfield land or infill sites in appropriate locations within the developed footprint of the settlement, then brownfield sites at the edge of the settlement in appropriate locations and only then, greenfield sites at the edge of a settlement, in appropriate locations should be undertaken. The applicant has provided such an assessment.

The application site does not fall within the centre of the village and on viewing the maps of the area, it is clear there are a number of sites which could be considered as infill sites within the footprint of Blyton. The assessment of sites undertaken mirrors those utilised within the sequential analysis accepted in 136431. There are no brownfield sites identified with the majority being greenfield sites used for agriculture or grazing paddocks. A

number of the sites are on the extreme edge of the village so are either no better or less suitable than the application site. Two sites are, however, centrally located close to the village centre. One of sites, no.4, within the sequential analysis has no direct or easy access to the highway network and could therefore be discarded whilst the other on Church Lane (no.5) is opposite St Martin's Church a grade 1 listed building whilst to the south is the grade 2 listed Old Windmill. It is considered that these would form a constraint to development as the setting of both of these historic assets could be impacted upon. Both of these sites are also more clearly associated with the countryside rather than the village reducing their qualities as an appropriate development site. There is one potential infill site to the north east of the Victoria Club on Laughton Road that could be suitable for the proposed development. However, vehicular access is via a narrow track to the north of the Victoria Club and would not appear to be capable of sufficient improvement to allow suitable access for a housing development. Development of this site is not sequentially preferable.

The site is located to the edge of the village of Blyton but is also agricultural land. It is therefore considered to be outside of the village footprint and policy LP55 should be considered. This policy indicates that applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations. In this instance, however, as the proposal would accord with policy LP2 and LP4 it is considered that these policies would override the provisions of LP55.

In principle, therefore, the site is considered an appropriate location and the sequential test is passed. Potential sequentially preferable sites are constrained by a mixture of the setting of two listed buildings, poor access and being more closely associated with the open countryside than the application site. The overall 10% threshold for additional houses in Blyton would not be exceeded, and there is no need for exceptional circumstances to be proven as only 9 dwellings are proposed in accordance with policy LP2.

- *Accessibility, highway safety and parking (LP13)*

Policy LP13 indicates that: 'Development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported. All developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a. Located where travel can be minimised and the use of sustainable transport modes maximised;
- b. Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c. Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing

routes where opportunities exist, that give easy access and permeability to adjacent areas;

d. Ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure.

Objectors have raised concerns as to the acceptability of the access to the site, both in terms of actual carriageway and the junction with the A159 at its westerly extreme. It is also noted that this road has not yet been adopted by the Highway Authority. The road is nevertheless metaled, 5m wide, paved to one side and has street lighting.

Despite concerns that Irwin Road itself would be too narrow consultations with the Highways Authority, have confirmed the dimensions sufficient both in width and design with street lighting and paving to one side. Similarly, the junction of Irwin Road to the A159 has been assessed and is deemed to have sufficient sight lines to enable traffic to enter and leave in a safe matter. In assessing this, note was taken of the junction's proximity to the national speed limit of 60mph to the north of the junction and the proposed access to the approved 19 dwellings immediately to the west. The speeding of cars is noted but this can be enforced by the police and is not therefore a planning matter.

The actual design and location of the access to the site is not under consideration at this time and the indicative designs could be changed. Resident's concerns re the amount of car parking are noted and have also been raised with the Highway Authority. The indicative design with fewer housing numbers could ensure that with some modification sufficient space for the parking of motor vehicles could be provided.

- Open space and access to recreational facilities

LP24 seeks, amongst other things, to improve quality of existing open spaces, sport and recreation facilities and ensure development provides appropriate new open space. Residential development is expected to contribute towards this in accordance with LP24, appendix C and Central Lincolnshire Developer Contributions Supplementary Planning Document. Appendix C states: "On site provision is preferable but where such is not feasible through development size or context, then off site contributions for improving the quality of existing sites within the accessibility standard ranges and quality standards outlined below will be considered."

The table on page 35 of the SPD clarifies that for 9 dwellings contributions are not sought for "On site provision of local or strategic playing fields to standards in Local Plan if there is no existing provision within Local Plan access standards" and "On site provision of Local Useable Green space if there is no existing provision within Local Plan access standards".

The site is approximately 1km from the play area on Church Lane which has 4 items of play equipment and appears to be in a poor state of repair. In its

current state the play area is considered to be a Local Area of Play (LAP) as defined on page 33 of the Central Lincolnshire Open Space Audit and Provision Standard Assessment April 2016. Under the terms of Appendix C, the LAP cannot be considered a Formal Equipped Play Area. It could be considered an amenity green space. The 1km distance between the application site and play area is far beyond the accessibility standard of 400m set out in Appendix C. It would not be appropriate to seek contributions towards off site play area improvements for this reason. The SPD is clear no on site Local Usable Greenspace is required for 9 dwellings.

The site is approximately 1.5km from the football pitches on Sandbeck Lane. The table on page 21 of the Central Lincolnshire Open Space Audit and Provision Standard Assessment April 2016 does not identify Sandbeck Lane football pitches as a strategic playing field. It is considered Sandbeck Lane is "local provision" as set out in Appendix C. The 1.5km distance between the application site and Sandbeck Lane football pitches exceeds the accessibility standard of 1.2km set out in Appendix C. It is not possible to seek contributions towards this off site football pitch complex for this reason.

The site would be within approximately 12 minutes drive of Richmond Park, Gainsborough and other strategic sporting facilities within the town in accordance with the accessibility standards in Appendix C. However, due to pooling restrictions placed on developer contributions it is not appropriate to have such a small development form one of the pooled contributions to strategic playing fields in Gainsborough given the much larger developments coming forward in the town that would provide greater contributions towards improvements. The SPD is clear no on site strategic provision is required for 9 dwellings.

The proposal complies with the requirements of LP24, Appendix C and the SPD.

- Design and Impact on the character of the area

The design and impact on the character of the area cannot be considered in detail as all matters in this application are reserved. The impact of changing an agricultural field into build development will, however, have an impact on the character of the settlement.

LP17 indicates that proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerow, walls, water features, field patterns and indivisibility between rural historic settlements.

The policy further notes: All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve

or enhance key local views and vistas, and create new public views where possible.

Further guidance can be found in policy LP26 which supports LP17 by seeking developments to consider the character and local distinctiveness of an area and create a sense of place. Within the policy a list of specific design criteria are outlined which, is perhaps more appropriate to a detailed application.

Blyton is located within the Laughton Woods Character area within the adopted West Lindsey Countryside Landscape Character Assessment. The area's settlement pattern includes long and open views with church towers as local landmarks, a clustered form with settlements appearing as islands of development within open arable fields, relatively small fields on the fringes of settlements, a close relationship between buildings, mature trees and hedgerows.

The design summary indicates that new development on the fringes of settlements should be accompanied by significant tree and hedgerow planting to integrate buildings within the surrounding landscape settlement. It further notes that irregular, small scale field pattern on settlement fringes can be conserved by developing on part of large peripheral fields and retaining the remainder as grassland. Small groups of new buildings should have a relatively high density, with trees forming key focal elements within the layout. Finally it notes that Blyton has a clustered form with a complex of back lanes and loop roads which has developed around central greens and common land; the layout of new development should take a similar form, avoiding linear or cul-de-sac layouts.

In this instance, the development of this site is such that it would not have a significant impact on the main vantage point of the site from Laughton Road. The hedging to the road side is such that it would soften the appearance of the frontage development onto Irwin Road, whilst dwellings further into the site would be softened by the falling ground levels. Nevertheless the development would front the ridge of the hill which would appear to extend the village. Such an extension would urbanise this entrance to the village. What is missing from this development is space for landscaping, the increased density of the proposals and potential need for drainage is such that the location for meaningful landscaped screening has been lost. Nevertheless, this scheme would be subject to landscaping and detailed consideration at reserved matters stage and is not therefore considered to have a detrimental impact on the character of the entrance to the village contrary to policies LP17 and LP26. An advice note is nevertheless recommended to ensure that any future applicant is aware of the need for significant additional planting on the northern boundary.

Similarly, the estate has a very strong character with attractive housing fronting roads. Whilst the application is in outline, it is not clear that the applicant has consent to create multiple access points onto Irwin Road.

However, it should be possible to design the dwellings so they address Irwin Road appropriately.

- Residential amenity

Policy LP26 provides guidance on a number of aspects of design and amenity. Focusing on amenity the policy states that: amenities which all existing and future occupants land and buildings may reasonably expect to enjoy must not be unduly harmed by or a result of development. The policy then lists a number of criteria through which to assess future development. These criteria have been used to assess this proposal but given the outline nature of the application any detailed assessment will need to be undertaken at reserved matters stage.

The indicative plan provides some guidance as to the ability to accommodate 9 dwellings on this site. Objections to the scheme have noted that dwellings would unacceptably overlook, dominate and overshadow adjoining properties to the south and east. Such concerns are heightened by the increase in ground levels at the site compared to the majority of the adjoining estate. The comments made have some justification on dominance and overlooking grounds. Despite the fall in numbers the density of the site has risen due to the reduced site area.

The indicative layout indicates it should be possible to design the dwellings in a manner that results in no harm to residential amenity. This can be achieved by having the proposed dwellings side on to the existing dwellings to the southern boundary thereby reducing overlooking. The indicative layout shows the dwellings located to the north of the existing dwellings which will reduce the loss of direct sunlight to existing dwellings.

The indicative layout plan is also helpful in that all dwellings are shown to have a road frontage within the site, and all have reasonable rear garden spacing to ensure reasonable levels of amenity space, light, sunlight and levels of privacy are achieved within the site. Whilst concerns are raised it is possible to conclude the site is capable of accommodating the proposed number of dwellings in a manner that would not harm residential amenity in accordance with LP26.

- Drainage and Flood Risk

The submitted drainage strategy suggests a gravity based foul drainage system is not possible and that a pumped solution linked to the existing system on Irwin Road is suitable. The applicant consulted Severn Trent and its advice is contained in the drainage strategy. A foul water drainage solution is possible. This complies with LP14 part m.

Surface water is proposed to be dealt with via infiltration to individual on plot soakaways, infiltration below the road and driveways and a berm or filter strip to the northern boundary to prevent overland flows flooding the site.

The LLFA considers that notwithstanding the submitted drainage information, it will be possible to drain the site sustainably either by infiltration or by discharge to an adjacent watercourse and the principle of development is acceptable on this basis. It is understood the LLFA is not entirely satisfied with the finer points of the surface water drainage solution proposed such as it being overly complicated but the associated documentation including percolation tests and availability of an off site watercourse to drain the site to means it considers a solution is available. The outline nature of the application means the layout and design of the proposal could change therefore it is necessary to require full drainage details via condition. These details are sufficient to establish that it is possible to drain surface water from the site via SUDS in a manner compliant with LP14.

- Ecology

The extended phase 1 habitat survey finds no evidence of protected species on this reduced application site. The recommendations must be considered in light of the reduced site area. Works would not be within 5m of the drain meaning no water vole requirements arise. Vegetation clearance advice at 5.4, bat brick advice at 5.6 and bird box advice at 5.7 can all form part of an ecological mitigation strategy secured via condition. The impact on protected species and sites accords with LP21 and are acceptable.

- Other

LP10 requires 30% of dwellings to meet part M4(2) of the Building Regulations. This can be conditioned.

The site is not considered to be of archaeological interest - there are no archaeological requirements, expected.

A construction management plan is required to provide off road construction parking, mud prevention, site barriers, hours of construction etc in the interests of amenity.

Conclusion

The proposal has been considered in light of relevant development plan policies LP1: A presumption in favour of sustainable development, LP2: The spatial strategy and settlement hierarchy, LP3: Level and distribution of growth, LP4: Growth in villages, LP10: Meeting accommodation needs, LP12: Infrastructure to support growth, LP13: Accessibility and transport, LP14: Managing water resources and flood risk, LP17: Landscape, townscape and views, LP21: Biodiversity and geodiversity, LP26: Design and amenity and LP55: Development in the countryside of the Central Lincolnshire Local Plan and Policy M11: Safeguarding of Mineral Resources of the Lincolnshire Minerals and Waste Local Plan- Core Strategy and Development Management Policies as well as the National Planning Policy Framework, National Planning Practice Guidance and Central Lincolnshire Developer Contributions Supplementary Planning Document.

The number and location of the dwellings is acceptable in principle and there are no identified sequentially preferable sites. The impact on potential mineral resources is acceptable. The impact on highway safety and convenience is acceptable. No open space requirements arise from the proposal. No harm would be caused to residential amenity or ecology. The application demonstrates a foul and surface water drainage solution exists. There are no other technical problems with the application therefore outline planning permission should be granted.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Representors to be notified -
(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Conditions stating the time by which the development must be commenced:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the layout, scale and appearance of the buildings to be erected, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details. The scale reserved matter application(s) shall include a schedule of the type and mix of dwellings to be agreed as part of the application.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality and in accordance with Policy LP10 of the Central Lincolnshire Local Plan.

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

4. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to greenfield run-off rates;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, to neighbouring land and property in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

5. No development shall take place until an ecological mitigation and enhancement strategy in accordance with the advice set out in paragraphs

5.4, 5.6 and 5.7 of the submitted extended phase 1 habitat survey has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To ensure there is no harm to protected species and enhancements are secured in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

6. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) storage of plant and materials used in constructing the development;
- (ii) the erection and maintenance of security hoarding
- (iii) wheel cleaning facilities;
- (iv) measures to control the emission of dust and dirt during construction;
- (v) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (vi) Measures for tree and hedgerow protection.

Reason: In the interests of amenity and in accordance with Policy LP26 of the Central Lincolnshire Local Plan

Conditions which apply or are to be observed during the course of the development:

7. No dwelling shall be commenced before the first 40 metres of estate road from its junction with the public highway have been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

8. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

9. Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway

and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

10. No less than 30% of the total number of dwellings shall meet part M4(2) of the Building Regulations.

Reason: In accordance with Policy LP10 of the Central Lincolnshire Local Plan.

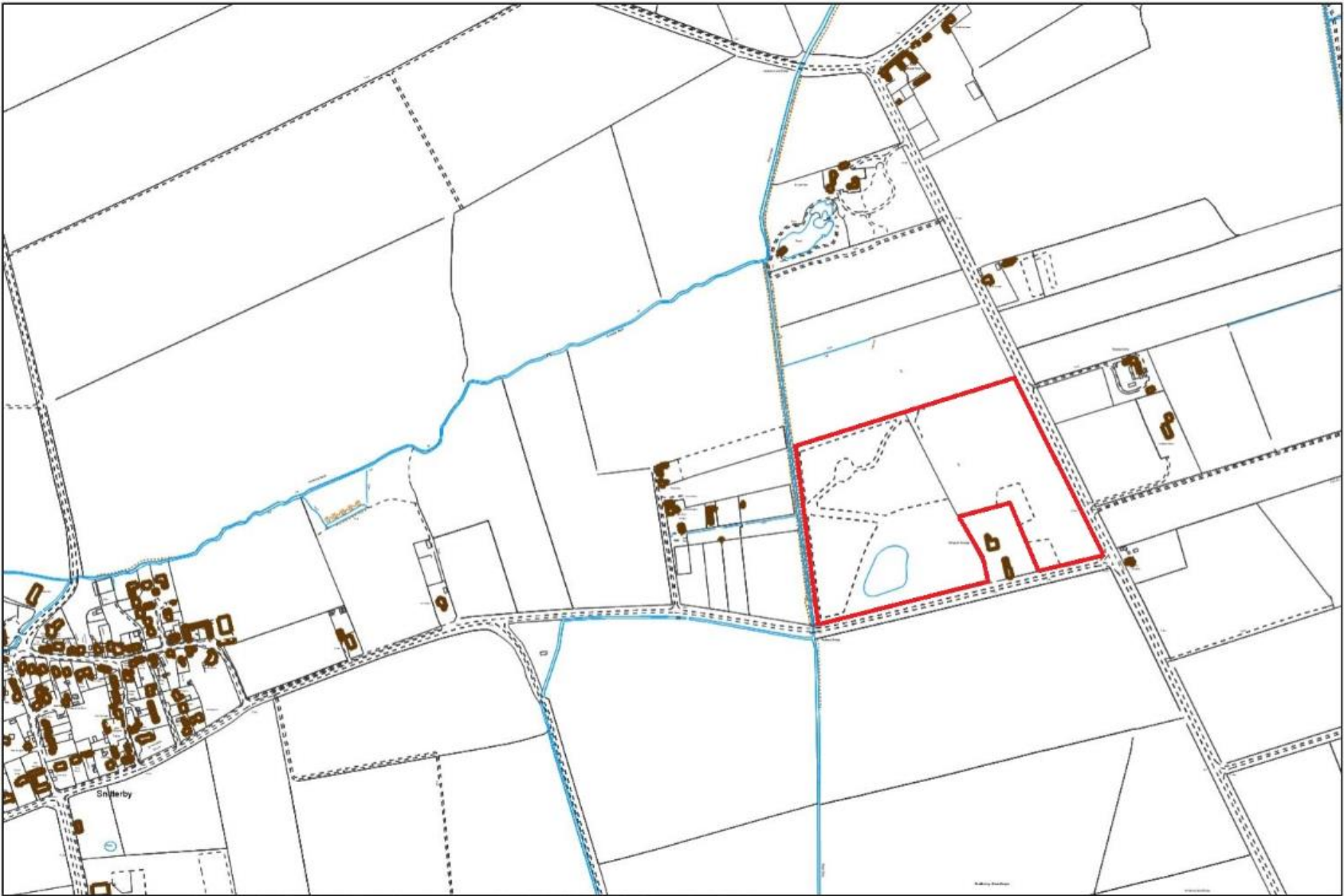
11. Development shall proceed in accordance with the following drawing numbers: site location plan 1:2500.

Reason: For the sake of clarity and in the interests of proper planning.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.

Site Location Plan, Holywell Grange, Moor Road, Snitterby REF 138145



Officers Report

Planning Application No: 138145

PROPOSAL: Planning application for change of use of land for the siting of 84no. chalet lodge units, with 3no. additional lodges for use as site manager's accommodation, multi functional space and a reception-manager's office.

LOCATION: Holywell Grange Moor Road Snitterby Gainsborough DN21 4UH

WARD: Waddingham and Spital

WARD MEMBER(S): Cllr J. Summers

APPLICANT NAME: Mr Stewart Smith

TARGET DECISION DATE: 07/11/2018 EOT 17/12/2018

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Refuse Planning Permission

Description: Holywell Grange is a Grade II Listed former farmhouse with a three-bay frontage facing south towards Moor Road. The house is set well back from the road with large gardens to the front and rear. It is located to the east of Snitterby in the open countryside approximately 1.1 km from the junction of Moor Road with School Lane and 1.4 km from the High Street junction. The application site comprises two large fields surrounding the house and its gardens to the north, east and west. The fields are described within the Landscape and Visual Impact Assessment accompanying the application as the 'west field' and 'east field', with the dividing line between them being a boundary that runs north from the western side of the domestic garden. Small blocks of plantation woodland or tree groups are also located within each field next to the boundary of the domestic garden. A large pond has been created within the southern end of the western field circled by trees and other vegetation. Total area of the site is approximately 9.4 hectares.

Proposal: This is a planning application for a change of use of land to site 84 "chalet lodges" with 3 additional lodges to be used as a site manager's accommodation, multi-functional space and a reception/manager's office. The scheme is anticipated to be developed over a period of 4 to 5 years and in four phases. The initial phase will create the infrastructure (internal roads, sewage treatment plant and associated drainage, electricity gas and water supplies of which construction will last six months. In addition, Phase 1 includes the creation of a new footway linking the site to Snitterby. Phases 2 and 3 will create around 26 and 34 lodges each during an 18-month period. The remaining 24 lodges will be provided in Phase 4 during the subsequent 12-month period.

The following documents were submitted in support of the application:

- Sustainability Assessment
- Sustainable Tourism Plan
- Sustainability Policy
- Transport Statement
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Landscape and Ecological Management Plan
- Heritage Impact Assessment
- Noise Assessment
- 4 letters of support
- A Financial Viability and Tourism Market Assessment (Marked Private and Confidential)
- A letter from Hawdon's Coaches and Vintage Vehicle Hire Ltd dated 9th October 2016 confirming interest in providing vintage bus travel for residents staying at the site.
- An allowed appeal decision dated 24th April 2014 following a refusal of planning permission by North Lincolnshire Council (PA/2013/0578) for a change of use of land for the development of a 30 unit sustainable tourism exemplar Leisure lodge park at Land at Redbourne Mere, Kirton in Lindsey (Ref: APP/Y2003/A/13/2209104)
- Planning Statement
- Floor plans and elevations of lodges

Relevant history: There is no planning history on the area where the cabins are proposed. The most recent application was in 2003 and this related to Hollywell Grange itself (Ref: M03/P/0138). Permission was granted on 31st July 2003 for "regeneration of existing and previously demolished barns to provide holiday lets and new garage and sheds"

Representations:

Chairman/Ward member(s): No comments received.

Snitterby Parish Council (Summary): Strongly and unanimously objects to the above planning application because it fails to comply with the Central Lincolnshire Local Plan as follows:-

- Policy objectives 2.5.1 - To protect and enhance the rich diversity of the character of Central Lincolnshire's landscape and townscape, maintaining and strengthening local distinctiveness and sense of place. The application does nothing to enhance or strengthen in any way the local distinctiveness of the location. Massing lodges on this site will be an intrusion and obstruction to the natural vista. The location does not qualify as appropriate it does not retain the core shape and form of the settlement, it would significantly harm the settlement's character and appearance and it would harm the character and appearance of the surrounding countryside and the rural setting of the settlement
- LP55 Part C: Mobile homes within the countryside will be considered in the same way as applications for permanent dwellings LP55 Part D:

New dwellings in the countryside states that new dwellings will only be acceptable where they are essential to rural operations.

- Snitterby is a small village. Snitterby Parish Council has decided not to carry out a neighbourhood plan and no evidence of clear local community support was submitted with the application, as required. The Parish Council is aware that there is no such support. Furthermore this application is not for a small scale development.
- LP4 establishes a 10% level of growth for Snitterby This application would exceed the permitted level of growth. Indeed at full occupancy the scheme would more than double the occupancy of Snitterby.
- LP 7 The development will contribute very little to the local economy. There is no shop or post office in Snitterby and the inclusion of a shop on site will do nothing to benefit other shops in the area, including the shop/post office in Waddingham. Employment possibilities will be minimal. On site services- photographer, chiropractor, therapist and other healthcare practitioners – will be provided by businesses from outside the locality. The local economic benefit claimed in the application is based on a theoretical formula, no realistic research on the locality having been carried out. The development will only benefit the applicant and visitors and not the local community.
- Strain placed on already stretched medical resources will be to the detriment of the local community. The development does not respect the intrinsic and natural built environmental qualities of the area. The development is not appropriate for the character of the local environment in scale and nature. The development is not located within an existing settlement. The development does not relate to an existing visitor facility which is seeking redevelopment extension.
- Planning application M03/P/0138: This application which included the restoration and a conversion of an old barn to holiday lettings was approved in 2003 subject to time limitations. Since work on this part of the application was never completed, consent expired by 2011 at the latest. One is also left wondering, if the perceived tourism demand is as outlined, why the approval was not developed
- Hayes Farmhouse [now Holywell Grange] is a Grade II Listed Building. The application gives no consideration of the significance of the Listed Building's significance and the contribution made by its setting, as required by the NPPF. The Planning [Listed Buildings & Conservation Areas] Act 1990 places a legal requirement on local planning authorities to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". A watercourse, Black Dike, runs along the western boundary of the site. Black Dike is stated to be a Site of Nature Conservation Importance and the discharge of "treated" foul water into

it could have a detrimental effect on the character and nature of the flora and fauna. Concerns have also been raised about the resulting odour.

- Moor Road properties and the fields to the west have flooded several times in recent memory, the summer of 2007 being the worst. The situation will be made worse by the construction of roads, car parking and other hard standing which will increase the speed of flow into Black Dike.
- The obvious route to the site for construction traffic and visitors is via the A15, then Cliff Road and Moor Road. Cliff Road is a single track road and Moor Road is single track in places. These roads are also used as a rat run by heavy goods vehicles as it is the shortest route to and from the A15 for vehicles from the east of Snitterby. These can be dangerous roads as the fatal accident on Moor Road in 2015 proves.
- There is not a network of rights of way and footpaths around Waddingham and Snitterby. Most rights of way were ploughed during WWII and after consultation were deleted from the Right of Way map.
- Moor Road is unsafe for cyclists, especially for children, because of blind bends and speeding motorists. Cycling on the very busy A15 and A631 would be very dangerous and should not be recommended.
- The usefulness of railway services is exaggerated. There are services from Brigg and Kirton in Lindsey stations on Saturdays only. Problems with services from Market Rasen have been well documented in the Market Rasen Mail.
- What evidence is there that this affluent niche clientele will choose to travel by mini-bus or vintage coach rather in their own presumably up-market cars? The usefulness of bus services is exaggerated and in many examples the suggested routes to places to visit are impractical and ludicrous. Who is going to take over 3 hours, and in some cases over 4 hours, to reach a destination that is only 30 minutes away by car? The main purpose of Call Connect is to provide transport services to those villages which have no services or inadequate services. It is not meant to be a taxi service for tourists. Use by tourists would reduce availability for residents who need it for essential journeys to and from hospitals, surgeries and colleges.
- Across the road from the site on Moor Road and the unclassified road [Rasen Road] an existing outdoor pig business is operated. The closeness of the occupants of 84 lodges including children and dogs could affect the health and wellbeing, safety and security of the livestock. In general we feel this scheme is incompatible with neighbouring arable and livestock farming.

- Appendix A - This appeal is irrelevant as an application for 30 homes in Kirton in Lindsey, ten times larger than Snitterby and in a different county, should not be compared to the 84 in this application.
- 4 letters of support – These should be ignored as they are largely from businesses outside the locality hoping to make financial gain from this application.
- The applicant does not indicate whether he will maintain control of the business or whether it will be sold on. If individual lodges are to be sold to private buyers, there is no information given regarding length of occupancy or what would be the months of non-occupancy, a requirement for holiday homes under private ownership. Given the questionable viability of the scheme there is concern as to future development/change of use/variation should the project fail financially.
- Whether lodges are sold or let, whether phased in or not, the end result is 84 lodges in a location unsuitable for the nature of the proposal, a proposal that is inappropriate for the character of the local environment in scale and nature and which will give no overriding benefit to the local economy and community. This is an ill thought out plan full of fine words, promises and claims but of no substance.
- The applicant has provided no evidence that such a niche clientele would wish to spend time in a field in Snitterby with no facilities, no useful public transport, no close tourist attractions and no local events of interest. Surely such a niche affluent clientele would prefer their home comforts.
- If all lodges are to be privately owned, will there be a condition on purchase that will exclude letting? If not, who will vet the private owners' clientele?
- The agent acknowledges that the long term local benefits are difficult to quantify [i.e. no idea], despite other claims that there would be an annual local benefit of £380000.
- There is no evidence that local residents would wish to sell services or products to the site. To date all comments received by WLDC from Snitterby residents have been against the application and at a parish council meeting held on August 30th attended by over 50 people no Snitterby resident spoke to support the application.
- Where is the evidence that this aging, sedentary clientele will wish to cycle?

- Supermarket deliveries: If the onsite shop is to supply only basic items, then lodge occupants will need to travel to supermarkets for further items. It is not credible that villagers would use this shop.
- Planning for multifunctional area: It is not credible that villagers would use any of the onsite services.
- Strategic tourism view: This would appear to be a desperate attempt by the agent to obtain last minute support from tourism organisations. Perhaps a consultation response should also be sought from the National Pig Association, the Campaign to Protect Rural England and other farming and countryside organisations.

Waddingham Parish Council (Summary):

- Waddingham Parish Council's response on behalf of the residents (see context) is that this application should be refused based on our understanding of our resident's views, concerns and extensive knowledge of the local area. We have set these out in the context of the material considerations that apply to a planning application of this nature as defined by WLDC Planning Department.
- We are not convinced by the sustainability claims by the applicant and considering it is a 100 page document which contains a significant disclaimer to its accuracy at its outset. This application has raised significant opposition within Waddingham Village (as well as Snitterby) In view of this we would like to request that this planning Application is determined at a full Planning Committee meeting and not delegated.
- Adequacy of Parking, loading and turning: Transport Statement and travel plan states 'the parking spaces at the reception building are generally just for checking in/out. Within the site, 1 parking space will be provided for each lodge'. This statement does not take into account visitors, family or service providers. TRICS data is typically based on averages and requires parameters to be inserted into the modelling function.
- We do not regard the assessment of a "relatively low impact" to be correct for our rural village scenario. The consequences of these statements mean that there will be an increase in volume of traffic through the centre of Waddingham village.
- Any route management proposals should direct traffic along the A631 and north up the Rasen Road for construction and other large vehicle movements. Further to the above the junction of the B1205 with the A15 has proved to be difficult to safely navigate. A number of accidents occur along this stretch because of road narrows with soft verges.

- Effect on listed building and conservation area: We understand there is an outstanding heritage assessment related to the listed building Holywell Grange. Our observation is that this development will completely encircle the existing setting of Holywell Grange. We consider that the development of the Holiday Lodge site will effectively destroy part of the character of Holywell Grange.
- Contrary to LP7: This development is located well outside the settlement footprint (as defined in LP4) and therefore located in the countryside. We do not consider that the applicant has demonstrated substantial benefits to justify locating the development in this remote corner of the parish.
- We do not consider the applicant has demonstrated clearly how the development will significantly contribute to the local economy of Waddingham. The letters of support provided by the applicant clearly show that the businesses represented are actually located in Scunthorpe over 11 miles away.
- Contrary to Policy LP 55
- Contrary to Policy LP2 which classes Waddingham as a medium size village and sets out the requirements for development in Medium Villages.
- No demonstration of local community support.
- Doubling the effective population within the parish especially with the stated target visitors who are silver haired and seeking rest and recuperation along with attendant carers will almost inevitably mean extra demand on local GP healthcare services.
- We are aware that in other places these sorts of sites often develop into permanent full time places of residence (where close season regulations are often blatantly ignored) and where there is no recognition of these “mobile” type dwellings requiring to be assessed for Council Tax.
- Implications of Appeal Decision, Kirton Lindsey. The applicant is claiming that the material weight of this application should figure highly in the determination of this application. We consider that this application was in a different county with its own planning policies, was for a site of only 30 units, and was if not within, directly adjacent to within the settlement of Kirton Lindsey (classified as a town). The Holywell Grange application is for 84+ units and is sited in the countryside.

- Black Dike is a Site of Nature Conservation Importance (as recognised in the applicant's Landscape and Visual Assessments). We also note that the Environment agency response whilst raising no objection to the development as submitted does advise the Local Planning Authority to consider the hierarchy of foul drainage.. We also note that the granting of planning permission does not guarantee the granting of an environmental permit. Black Dike is fundamentally part of a land drainage system, not a free-flowing water course and it's level is very much affected by seasonal conditions and ranges from virtually dry to conditions of flooding onto adjoining land.
- Flood risk: We note that there is no indication of provision for surface water drainage in the plans. Increased run off from the site due to hard standings etc. could increase the flow of surface water into Black Dike and increase the risk of flooding. We strenuously oppose any development that could potentially increase the risk of flooding in the Waddingham Parish and affect other developments in the village.
- Given the time available to comment we do not consider we have enough time to fully analyse or challenge the claims in a 100 page document especially which at the outset carries such a disclaimer to its contents. Our response to the above is that we agree with the author's statement and regard the Sustainability Assessment Document not to carry enough material consideration/weight in determining the application. Our brief analysis observation would indicate that this is at best educated guesswork or a planning compliance tick box exercise.

Local residents

Objections received from West View, Snitterby; Brickyard Farm, Rasen Road, Waddingham; 4 Dovecote Close Snitterby; Ivon House, Moor Road, Snitterby x 3; 1 Redbourne Rd Waddingham; Moor Farm Snitterby; Black Beck Cottage, Snitterby; The Cottage, School Lane, Snitterby; Riverside Lodge, Snitterby; Jusara, Church Lane, Snitterby; 12 Dovecote Close, Snitterby; 1 New House, School Lane, Snitterby; 1, Chapel Lane, Snitterby; Landrace House Rasen Road Waddingham Sandhayes; 12 Dovecote Close, Snitterby; Wharfedale, Cliff Road; Snitterby; Sundial House, Cliff Road, Snitterby; Moor Stables, The Moor Snitterby; 10 Dovecote Close, Snitterby; Greenacres Atterby Carr Lane, Atterby Car; Bramley End, Moor Road, Snitterby; 2 Dovecote Close Snitterby; Pinfold House ,Snitterby; Top House, Cliff Road; Brookside Waddingham Road, Snitterby; 8 Dovecote Close, Snitterby; 3 Church Lane, Snitterby; Hayes Cottage, Rasen Road; Ballinure, High Street Snitterby; Acorn Farmhouse, Moor Road, Snitterby; Willow Brook House, High Street, Snitterby; The Bungalow, Rasen Road, Snitterby Sandhayes; High Rise Cottage, High Street, Snitterby; 6 Dovecote Close, Snitterby; Poplar Lodge, Snitterby; Paradise Farm, Waddingham; West View, Snitterby; Sand Hayes Farm, Snitterby; Tanderholmes Farm, Atterby Carr Lane; Greenacres. Atterby Carr Lane; Floral Cottage High Street, Snitterby; The Cottage, Moor Road, Snitterby; South View, Moor Road, Snitterby; Priory Farm, Southmoor Lane, Snitterby; Lee Cottage, School Lane; Barrett's Barn, Bridge Farm, Snitterby Carr; Linwold Snitterby Road, Waddingham; 13 Cliff Crescent,

Waddingham; Pinfold House, Snitterby; Homeleigh, Moor Road, Snitterby; Brookside, Waddingham Road, Snitterby; 2 The Wolds, Snitterby Road, Waddingham; Magpies, Church Road, Waddingham;

Summary of grounds of objection:

- **Poor Accessibility with very limited facilities:** The proposed site is not on a main bus or train route – the nearest main train stations being 17 or so miles away in either Lincoln (17.8 miles) or Scunthorpe (17.7 miles). The bus routes to Waddingham and Snitterby are incredibly limited, running once a week. There is no path to walk into Waddingham, or into Snitterby, with locals having to travel by car to any location. The proposed site is located just over a mile from Snitterby, a very rural village, with no amenities, shops, school or GP surgery. A local public house is situated there, but is not open every day, nor does it offer a menu of food on a regular basis. Waddingham, located just over 1 ½ miles away, has a small village shop that has limited opening times. There is a village hall and a primary school, but the local pub has since closed. Both are very quiet villages, and are inhabited with residents who wish to live a quiet rural existence.
-
- **Highway Safety Risks:** Fatal accident occurred on Moor road in 2015. Big increase in traffic. Danger to cyclists. These are exceptionally busy rural lanes, which are predominantly single track roads (and commuter ‘rat-runs’) between the A15 through to Caistor and surrounding villages. One of the primary access routes to the site will be from the A15 and along this route. The road proposed as the main access to the development is a busy 60mph road, with no street lighting or footpath to Waddingham. Agricultural Machinery is getting bigger and faster and speeding Traffic is an existing problem. Limited parking provision will lead to on street parking. Will impede existing farm operations by way of increased traffic.
- **Planting of trees, hedges and shrubs would not reduce the visibility of the park and would take 15 years to mature**
- **The park will not provide tranquillity and quiet relaxation as it is located next to a 60mph road.**
- **It is suggested that visitors could use the shop on site to provide “essential” items. There is no need for this. Residents have the use of “Uncle Henry’s”, a farm shop located 3 ½ miles away or “The Willows” located approximately 5 miles away. There is no need or requirement to have a further style shop within such a small radius, and would also impact on existing businesses.**
- **What safety assurances can be provided that children and families will be safely contained within the site, ensuring no children or adults who**

lack capacity or awareness of their surroundings, would not “run/escape” onto the road, or into neighbour’s dwellings?

- Increased Litter and dog mess.
- Busy Farming Periods clashing with the Peak Tourism times.
- Increased Maintenance Costs: Damage to grass verges in wet weather and increased pot holes in passing points
- Construction Timescales - If planning is granted, the proposal for a 4-5 year phased approach to development means a prolonged period of disruption to local residents, causing further stress and disruption.
- Increased pollution is inevitable from the increased visitor numbers and traffic. This will have a have a negative impact on the local eco-system.
- Protection of wildlife and habitats need to be considered and not just in the immediate development area, but the surrounding countryside.
- Flooding and Drainage - The planning application states that the site is not affected by flooding. However, there is no mention of water that drains downhill to neighbouring properties and land and has flooded them and could flood them again.
- Questionable Business Plan in an uncertain economic climate: to support tourism and local community. We question the true value to the local tourist economy, as the business motives for this development seems to heavily focus on maximising the volume of holiday lodges to sell and rent, rather than the visitor experience on site. Economic climate – an uncertain property market and a downturn in consumer spending on leisure activities.
- There are already holiday parks within the local vicinity of Snitterby, and closer to the coast line and local tourist attractions in Lincoln, Hull, Barton, Caistor, etc., which are well established parks, and are also hidden by dense trees/within woods etc., or are not within the location of existing residents. There is a large volume of holiday lodges for sale or to rent in Lincolnshire, all in rural locations and within the catchment area of the highlighted tourist attractions noted in this application. Thorpe Park Holiday Lodges just outside Lincoln is a picturesque development off the A46, with 30 plots and has a good choice of lodges for sale from £150,000 up to £210,000 for a 4 bedroom chalet, with the added bonus of a strong public transport and close proximity to the City of Lincoln.
- Other attempts by locals to set up a B&B or holiday home businesses have proven difficult for people to sustain with owners selling up or where they can’t sell them renting them on long term rental contracts.

- The Applicant suggests that self-catered holidays are supported in the countryside and villages. However, he has not set out why the location of the site specifically at Waddingham/Snitterby can be substantiated.
- Who will guarantee the safety and well-being of the existing farm animals already in existence, and that no trespassing of the holiday makers onto private land takes place, including littering and feeding of such animals, which would be detrimental to their health, and would, in the case of our pig unit, raise potential health and safety issues, and increase stress to our livestock, and again, raise animal welfare issues.
- It is suggested that the development will also promote health and well-being. There is nothing identified that sets out this proposed development, over and above that from any other existing caravan/lodge sites in the area.
- Letters in Support from Local Businesses: The Applicant seeks to support his Application by relying upon 4 letters from “local” businesses. However, we do not see how the building of the proposed site can assist any of the 4 businesses to any significant degree, or at all.
- Utilisation of Appeal Granted for 30 unit Leisure Park in Kirton Lindsey: The use of the appeal decision for the above site in Kirton Lindsey is not a valid comparison.
- Whilst Lincolnshire Police have written a letter advising that they do not object to the proposed Application, who will provide assurances and undertakings that no increase in crime rates will be seen with this site and its visitors. .
- No amount of trees would take away the impact of such a large number of lodges to the rural countryside.
- This is a rural farming community – not a tourist destination. On agricultural land and should be used for food production not a development with more residents than Snitterby
- Close knit community will be harmed by influx of temporary residents
- Impact on existing ill health; I have end stage renal failure and do not relish spending the remaining years of my life living next to a building site / holiday park
- The chalets will not contribute to local affordable housing
- Holywell Grange 'will encourage partnership with local groups and schools to develop initiatives for biodiversity enhancement within the

area'. Do they have letters of support from the local schools and groups? Also stated in the policy 'We will encourage people to record species within the Kirton park office'. More travel by car? Where is Kirton Park?

- Light pollution Snitterby has dark skies, envied by many visitors to the area, lighting needed on the proposed development for safety and security, would create an unacceptable pool of light that would be seen for miles.
- Real danger, as has happened elsewhere, that any holiday lodge approach is a precursor to something even more impactful over time, such as residential lodges or full-time accommodation for the over 55's.
- Nothing for local employment (a couple of part-time jobs at best), and nothing for the area. It's not as if there are any shops who would welcome the extra custom in this region

LCC Highways: The applicant has addressed all potential highway safety concerns within the submission with appropriate mitigation measures. I will be looking to condition the proposed footway, Construction Management Plan and Travel Plan measures in my final response.

I have received the FRA for this site and am satisfied that they have considered surface water flooding and have proposed suitable mitigation methods.

Public Protection: There is potential for multiple aspects of noise nuisance arising from this proposed leisure park. Accordingly I would recommend the need for a noise report to identify all potential impacts and mitigate accordingly. The noise report ought to be supplemented by a management plan and consider it in its findings and recommendations.

Following submission of report: No surprises in this report. A reasonably selected comparison site.

Recommendation: A robust management plan ought to be required by condition if permission is to be granted.

Growth and Projects (Visitor Economy) Team: In principle, and subject to normal planning considerations, the Growth and Projects Team (including Visitor Economy) are supportive of the above application from a visitor economy perspective. After recently reviewing the documents submitted we feel the information enclosed is appropriate in nature and is in line with current tourism strategies. Tourism is a major sector in West Lindsey bringing into the area around £126.5 million in revenue and supporting c1707 full time jobs (STEAM data 2017). Staying visitors account for 27% of all visitors to the district and is currently worth £44.76 million (STEAM data 2017) which, has grown annually since 2012.

The provision of quality accommodation for visitors is an important element for future sustainable development within the district and any initiative which promotes this will add value to the current product as well as supporting the local authority aspiration of being a prosperous and enterprising district where an increased number of businesses and enterprises can grow and prosper.

It should also be noted that due to the nature of the location and the limited services available in the area, we feel that this site would be best situated near a larger settlement such as Caistor in order to be able to manage visitor demand. We also do have some reservations over the local nature of some the proposed excursions as detailed in the Sustainable Tourism Plan (page 4-5) which include Men's Breakfasts and Tea Dances. We feel these activities would not appeal to visitors travelling from outside of the county.

In this application it is important to acknowledge that bringing more visitors into the district, who will use all the services available, will undoubtedly aid the economy of the district for local businesses and residents.

Environment Agency: No objections to the proposed development, as submitted.

Natural England: Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

Conservation Officer (Summary): Holywell Grange according to the list description a late 18th C century farmhouse constructed of roughly coursed limestone and contrasting red brick quoin and window dressings. This small farmhouse represents a typical interpretation of national architectural style of the 18th century, which was so popular that it worked its way down the social order to even the smallest of houses. My site visit today confirms the west elevation was also a principal elevation. This elevation is of high significance, and its setting and how it is experienced is also of high significance.

Section 66 of the LB&CA Act 1990, requires the LPA to have 'special regard' for the preservation of a listed building and its setting. This proposal fails to preserve (leave as is) the setting of Holywell Grange. The proposal also fails to meet criterion d. and e. of the adopted CLLP 2017 Policy LP25. Unfortunately, the only recommendation I can offer in terms of this development is that of Refusal. As per discussions about Holywell and levels of harm. I would have identified substantial harm in my comments if the proposed scheme was such that it constituted harm. If you are minded to approve I would advise that over and above policy full consideration should be given to the requirement in law (which is clearly above policy in terms of hierarchy, being a legal requirement) to 'have special regard' to the desirability of preserving that setting, and under paragraph 190 of the NPPF,

that minimising harm in this case, would be restricting any permission granted to ensure that the field to the west of Holywell Grange should not be developed with numerous holiday cabins.

Tree and Landscape Officer (Summary):

I have objections to the proposals due to the close proximity of many of the chalets to the boundary hedges along Rasen Road and Moor Road, and the negative visual impact they would have along the street scene. The existing trees and hedgerows are not substantial enough to provide adequate screening to sufficiently minimise its visual impact to the surrounding area. I would have no objections if the chalets were positioned a greater distance from the site boundaries and there was sufficient space for substantial landscape planting for screening and to minimise visual impact and intrusion into the surrounding landscape and character of the area, and for new planting to have sufficient space to grow with minimum impact to nearby chalets.

Lincolnshire Police: No objections to this application.

Relevant Planning Policies:

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Lincolnshire Minerals and Waste Local Plan (2017).

Central Lincolnshire Local Plan (CLLP)²

The CLLP was adopted in April 2017 and forms the Development Plan covering the whole district (and other Central Lincolnshire Authorities). The following policies are considered most relevant in consideration of the application:

Policy LP1: A Presumption in Favour of Sustainable Development
Policy LP2: The Spatial Strategy and Settlement Hierarchy
Policy LP3: Level and Distribution of Growth
Policy LP4: Growth in Villages
Policy LP7: A Sustainable Visitor Economy
Policy LP13: Accessibility and Transport
Policy LP14: Managing Water Resources and Flood Risk
Policy LP17: Landscape, Townscape and Views
Policy LP18: Climate Change and Low Carbon Living
Policy LP21: Biodiversity and Geodiversity
Policy LP26: Design and Amenity
Policy LP55: Development in the Countryside

¹ [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

² Available at <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Lincolnshire Minerals and Waste Local Plan³

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is not within a Mineral Safeguarding Area (MSA).

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

Neighbourhood Plan – The site is not within a designated Neighbourhood Area.

National Guidance

- National Planning Policy Framework 2018 (NPPF)⁴
- Planning Practice Guidance

Legislation - Section 66 of the Listed Buildings & Conservation Areas Act 1990

Main issues

- Principle of Development LP2 LP7 LP55 considering sustainability in locational terms LP13
- Highway Safety LP13
- Impact on character and appearance of the site and wider area LP17 and LP 26
- Impact on Heritage Assets LP25
- Flood risk and drainage LP14
- Biodiversity LP 21
- Increase noise and disturbance LP 26

Assessment:

Principle: CLLP policies LP2, LP7, LP13 and LP55

The site is located outside the settlement of Snitterby and falls to be considered as “countryside” under the spatial strategy and settlement hierarchy of LP 2:

“Unless allowed by:

³ Available at <https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

⁴ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

a. policy in any of the levels 1-7 above; or
b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;
- renewable energy generation;
- proposals falling under policy LP55; and
- to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.

This allows the application to be assessed against LP 7 in order to determine whether the principle is acceptable.

There is no support available under LP 55 as “applications for temporary and mobile homes will be considered in the same way as applications for permanent dwellings”. Part D deals with applications for new dwellings which are “only acceptable where they are essential to the effective operation of rural operations listed in policy LP2”. However, in this instance, the development is primarily as an 84 lodge holiday accommodation – not permanent residential accommodation. It does however include accommodation for a site manager.

Part E does set out its policy for “non-residential development in the countryside” as follows:

- Proposals for non-residential developments will be supported provided that:*
- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy*
- or the location is justified by means of proximity to existing established businesses or natural features;*
- b. The location of the enterprise is suitable in terms of accessibility;*
 - c. The location of the enterprise would not result in conflict with neighbouring uses; and*
 - d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

It is considered however, that this policy should not be read in isolation, but alongside LP7 which sets out a direct policy in relation to “A Sustainable Visitor Economy” and which provides locational parameters for such developments.

The supporting text (section 3.7) of the Central Lincolnshire Local Plan (CLLP) explains that “*The visitor economy is one of the most important sectors of Central Lincolnshire’s economy.*” It explains that, whilst Lincoln is the principal visitor destination in Central Lincolnshire, that “*Rural Central Lincolnshire also makes a significant contribution to the visitor economy, with many visitors attracted to the waterways, walking and cycling routes, aviation*

attractions and other attractions across the area which are varied and numerous.”

The Greater Lincolnshire Local Enterprise Partnership (GLLEP) recognises the visitor economy as one of the top three strongest economic sectors within Greater Lincolnshire and identified this sector as one of the priorities for growth. In order to achieve this, policy LP7 “*aims to encourage sustainable growth in the visitor economy*”. It explains that “*The tourism offer of more urban areas is different to that in rural areas where the scale and types of visitor economy uses need to be in scale with their surroundings.*”

Policy LP7: A Sustainable Visitor Economy

Development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and***
- b. benefit both local communities and visitors; and***
- c. respect the intrinsic natural and built environmental qualities of the area; and***
- d. are appropriate for the character of the local environment in scale and nature.***

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or***
- it relates to an existing visitor facility which is seeking redevelopment or expansion.***

LP7 is consistent with paragraph 83 of the NPPF (2018) which states that planning policies and decisions should enable:

“c) sustainable rural tourism and leisure developments which respect the character of the countryside”

The development is not located within an existing settlement and the applicant’s submission contends that a large holiday lodge park by its very nature requires a rural rather than an urban location. It is also argued that due to partial implementation of the 2003 permission that it is an existing visitor facility seeking redevelopment or expansion.

There is merit in the argument that a development of the type proposed requires a rural location. Tourism accommodation at this scale could not readily be accommodated within an existing settlement, and such locations are therefore arguably “unsuitable for the nature of the proposal”.

In terms of the second point simply as a matter of fact this is not an existing visitor facility. It has not been demonstrated that the site has been actively used for tourism, and no evidence of this was noted on site.

In terms of assessment under LP7 whilst each application must be considered on its own merits it is helpful to examine a recently dismissed appeal in relation to the provision of 11 holiday lodges and a workspace building outside an existing settlement, which although at a significantly reduced scale was determined with reference to policies LP2, LP7 and LP55 which are applicable to the current application. (Ref: PP/N2535/W/18/320665 LPA Ref: 136910). Inspector D Guiver considered one of the main issues to be:

” a) *whether the proposal is in an appropriate location with regard to local development plan policies*”⁵

He recognised that tourism made a major contribution to national and local economies, and that there was evidence of growth in tourism leading to increased demand for accommodation in Lincolnshire. He also found that,

*“the evidence before me does not demonstrate a specific need for accommodation in the location of the appeal site”*⁶ (officer underlining)
The current application purports to meet a need for the type of “high end” quality visitor accommodation lacking in northern Lincolnshire whilst not directly making a case for the proposed location. As Inspector Guiver found *“accommodation at the appeal site could provide a base from which tourists could travel to a number of attractions in Lincolnshire, the same would be true of accommodation in any number of other locations.”* This finds an echo in the comments of the “Growth and visitor economy team” which naturally supportive of any development that would increase the number of visitors to the district suggests that it might be more appropriately located closer to a larger settlement with more services and facilities. In terms of facilities at Snitterby this simply comprises a single public house the “Royal Oak” which according to their website is open from 5pm onwards Monday to Friday and from 12pm on Saturdays and Sundays. In Waddingham the nearest village to Snitterby the only facility appears to be a Village Hall and a small village shop with post office. Although a “shop/café” is proposed on the site visits further afield to services and facilities will be required.

It is therefore appropriate to consider available modes of travel to access the wider range of facilities and attractions. It is acknowledged by the revised 2018 NPPF in paragraph 84 that *“sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing*

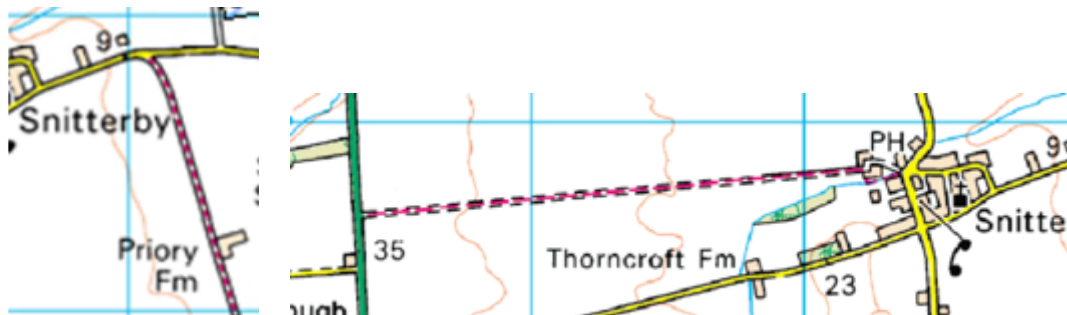
⁵ Paragraph 5

⁶ Paragraph 8

settlements, and in locations that are not well served by public transport” whilst also setting out that “sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.” Policy LP 13 supports proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods. All developments should demonstrate, that they have had regard to the requirement for development to be located where travel can be minimised and the use of sustainable transport modes maximised (LP13 (a)).

A Transport Statement and Travel Plan (TP) prepared by BSP Consulting has been submitted with the application which sets out what are claimed as sustainable credentials for the development.

Walking and Cycling: A new footway link is proposed which will span from the site boundary to just west of the junction of Southmoor Lane and Moor Road. This proposed footway will provide a link to Snitterby, which is an improvement and will allow pedestrian access to the Royal Oak. Measured from the eastern section of the site where the majority of log cabins are located this is a distance of approximately 1600 metres and a 20 minute walk. The footpath link will allow access to a number of rights of way. The first is Snit/507/1 which is approximately 900 metres long and runs southwards off Southmoor Lane ending beyond Priory Farm. Snit /69/1 is 2000 metres long to the west of the Royal Oak and ends at the A15.



In terms of access to wider facilities this is of limited benefit. The TP concedes that *“given the type of development the main types of journeys will be employees, which will be very small in number”*. The Sustainable Tourism Plan and Sustainability Policy (STP) submitted with the planning application) *“are closely linked to this Travel Plan.”*⁷ The STP sets out measures to promote walking which includes employing local people and offering flexible working patterns. Measures to promote walking by visitors and users of the lodge site are identified as:

- *The inclusion of walking route information and details of local walking and Rambler’s events within each lodge and within the main reception of Holywell Grange.*
- *Encouragement of walking events to include Holywell Grange as a starting point*

⁷ Page 21 BSP Transport Statement

Reference in the section on walking within the TP is made to the Lindsey Trail. “*The Lindsey Trail, accessible from Willingham Woods in Market Rasen is also a high quality recreational facility for walking. This trail provides people with access to places such as Bleasby, Hainton and South Willingham*”⁸ This is, however, located approximately 12.2 miles from Snitterby.

Measures to promote cycling are identified within the STP as:

- *Visitor cycle scheme that provides cycle hire for use whilst staying at Holywell Grange*
- *Employee cycle to work scheme providing incentives for members of staff who chose to travel to Holywell Grange by bicycle.*
- *The inclusion of cycle route information in each lodge and within the main reception of Holywell Grange*

One of the stated benefits of the site for cyclists according to the TP is access to the National Cycle Network in Market Rasen. This is approximately 11.5 miles and a 56 minute bike ride away from the site. This is considered as a limited benefit as it would only be attractive to long distance recreational cyclists rather than leisure cyclists and the benefits would also depend on the proportion of users of the lodges that would engage in such activities. On this basis as part of the overall development the benefit is limited.

Existing public transport provision: There are only two scheduled bus departure and return journeys from Snitterby each week. The 161 Market Rasen to Scunthorpe service via Brigg which departs from the bus stop opposite the Royal Oak on Thursdays at 10.43 and returns at 13.36. The second is the Brigg to Lincoln 9811 service which departs from the bus stop opposite the Royal Oak on Fridays at 09.53 and returns at 13.36.

The maximum walking distance to a bus stop should not exceed 400m and preferably be no more than 300m according to the Institute of Highways and Transportation’s Guidelines for Planning for Public Transport in Developments (IHT 1999). However, although the guidelines recommend the 400m is to be “treated as guidance” the distance from the section of the application site to east of Holywell Grange to the bus stop at the Royal Oak via School Lane is approximately 1600 m with no direct footpath link and upward travel. The application proposes an extension to the existing footpath which is an improvement although the distance and topography remains unchanged.

The Call Connect “demand responsive” service available from Snitterby is the 53M Market Rasen. Registration is required to utilise the service and it must be booked between 1 hour and 1 week in advance. On this basis the weight to be attached to it must be less than that of a regular bus service and the route taken can change depending on the requirements of its passengers. This can have implications for distance travelled but also time taken to reach any particular destination. It is therefore reasonable to conclude that existing

⁸ Page 14 BSP Transport Statement

public transport provision is limited. This is demonstrated by the applicant's evidence presented in Appendix 1 of the Sustainability Assessment "Public transport routes to local tourist attractions"⁹

Tourist Attraction	Distance	Bus Number(s)	Duration	Directions
Mount Pleasant Windmill	<10km	9811 / 94	1 hr 43 mins	1 min walk to Cliff Road Crossroads, Bus 9811 towards Brigg. Red Lion walk 220 ft Bus 94 towards Kirton in Lindsey. Queens Head walk 0.4 mile to Windmill.
Hemswell Antique Centre	<10km	9811 / 94 / 103	2 hrs 22 mins	1 min walk to Cliff Road Crossroads, Bus 9811 towards Brigg. Red Lion walk 220 ft Bus 94 towards Kirton in Lindsey. Dunstan Hill, walk 85ft Bus 103 towards Lincoln. Off at Post Office and 8 min walk.
RAF Scampton Heritage Centre	<20km	9811 / 94 / 103	3 hrs	Start Royal Oak Inn, Snitterby Bus 9811 to Brigg. Travel to Post Office, Hibaldstow & Bus 94 to Kirton in Lindsey. Millenium Cottages Bus 103 to Lincoln Showground and 21 min walk to RAF Scampton Heritage Centre.
Caistor Arts & Heritage Centre	<20km	9811 / 94 / 103 / 53	4 hrs 19 mins	1 min walk to Cliff Road Crossroads. Bus 9811 towards Brigg. Red Lion walk 220ft Bus 94 towards Kirton in Lindsey to Dunstan Hill. Bus 103 towards Lincoln. Central Bus Station (Bay L) walk to (Bay I) and InterConnect Bus 53 towards Grimsby Butter Market. 2 min walk to Caistor Arts Centre.

The development includes proposals to provide mini-bus transport services to drop-off and pick-up from train stations and tourist destinations.¹⁰ There is however no mechanism to deliver this apart from a reference to partnering with Hawdon's Coaches. This can therefore be ascribed limited weight. It is noted that this is a rural location and as the NPPF states that to "*meet local business and community needs sites "may have to be found "in locations that are not well served by public transport"*". The evidence submitted with the application does not demonstrate why an 84 holiday lodge development should be located on the application site discounting potential proximity to larger settlements with more services and facilities.

Reference is within the application to a variety of onsite "themed" activities that could take place on the site with no obligation or delivery mechanism or certainty. This attracts limited weight

⁹ Page 84 to 91 Sustainability Assessment

¹⁰ Page 18 BSP Transport Statement

It must be accepted that there is clearly support for the principle of tourism due to the economic benefits that flow from such proposals, including an estimated 5 full time jobs on the site itself and this is afforded positive weight as a material consideration tempered against the choice of location discussed above.

Highway Safety LP13:

A 518 metre long footpath from the south eastern corner of the site is proposed to link to the existing footway on Moor Lane providing pedestrian access to Snitterby. This is capable of being secured by use of an appropriately worded condition.

Vehicular access is from the north east corner of the site off Rasen Road, 30 metres to the south of an existing gated access and 240 metres from the junction with Moor Road. A 5.5 metre wide carriageway is proposed leading to a car parking area in front of a proposed reception / sales area. The required visibility splays of 2.4 metres by 215 metres are achievable within the public highway.

Trip generation for the development has been estimated by the use of TRICS data. This estimates that it will generate 6 vehicular trips in the morning peak hour and 19 vehicular trips in the evening peak hour, and a total of 191 vehicular trips per day.

Time Period	Trip Rates (per Unit)		Trip Generation (84 Lodges)		
	In	Out	In	Out	Total
AM (0800-0900)	0.025	0.044	2	4	6
PM (1700-1800)	0.164	0.061	14	5	19
Daily (0700-22:00)	1.281	0.992	108	83	191

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Concerns have been expressed by objectors that this fails to take into account additional trips that might be generated due to visitors, health care providers, service providers and staff amongst others. TRICS is an accepted national standard method of assessing average trip generation with reference to existing similar developments. In this instance the data used is stated to be from “holiday accommodation” and “filtered” to include surveys from “free standing locations”. The number of trips due to the nature of the development will be spread out over the day and is not considered unacceptable. In addition a noise report undertaken at the request of officers to examine potential noise impacts arising from the operation of the site was submitted and no objections were raised by Public Protection subject to a management plan for the site being conditioned. A large number of objections have been

¹¹ Page 28 of BSP Transport Statement and Travel Plan

received on the grounds of highway safety with reference to the perceived inadequacy of the existing roads and single width tracks in the area together with potential conflict with agricultural vehicles and other users of the highway. The large number of objections on highway safety grounds is acknowledged by LCC Highways who have confirmed that the potential highway safety concerns have been addressed within the submission with appropriate mitigation measures. Subject to the imposition of conditions no objections are raised to the proposal on the grounds of Highway Safety. No objections have been raised to the level of vehicular parking with a single space per lodge proposed.

Visual Impact on existing landscape and character LP17 and LP 26:

Policy LP17 of the Central Lincolnshire Local Plan seeks to protect and enhance the intrinsic value of the landscape and townscape, including the setting of settlements. Proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and inter-visibility between rural historic settlements.

Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive inter-visibility from various viewpoints.

The West Lindsey Landscape Character Assessment shows the site falling within the Limestone Dip Slope. Key characteristics include:

- exposed open landscape
- straight roads and trackways, many are ancient enclosure roads with characteristic wide verges backed by hedgerows
- line of small nucleated settlements on slightly elevated land to the east
- individual trees and lines of trees are important landscape features
- historic halls and parkland landscapes

The most sensitive parts of the landscape are:

- narrow winding lanes with abrupt turns and junctions
- hedgerows and wide verges on enclosed roads
- lines of trees and individual specimens

Policy LP26 of the CLLP requires all development to be of a high quality sustainable design that contributes positively to local character, landscape and townscape and supports diversity, equality and access for all.

It notes that development proposals must take into consideration the character and local distinctiveness of the area. This includes seeking to

“c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, ... “;

In total 87 lodges are proposed across the site. These are single storey structures with shallow roof pitches. They range in size from 67 sq. metres to 92 sq. metres. They are built in plywood with exterior wood composite cladding and PVCu windows and doors. Such structures which are a reflection of their proposed function can have limited resonance with the local natural and built form. This does not render them unacceptable in their own right as the same charge could be applied to similar tourist accommodation across regionally and nationally. Development by its nature would change the character of the site as there are currently no structures on the site although over half of the site would remain undeveloped and would be supplemented by additional planting. It is considered appropriate therefore to assess whether the layout as proposed together with the use of landscaping could help to ameliorate the visual impact and help to assimilate it within the landscape. The main impact of the lodges would be within close proximity to the application site rather than in longer distance views due in part to the single storey nature of the structures, topography and filtering of views by existing hedgerows and trees. The indicative plans show lodges running along most of the length of Rasen Road and along sections of Moor Road. The highest density of cabins is on the eastern field and the objections from the Tree and Landscape officer revolve around proximity to road frontage, insufficient landscaping and pressures that would be brought to bear on proposed trees. This is a reflection of the relatively large number of chalets proposed. A smaller number of lodges could potentially address the concerns raised. The scheme as it stands, however, would not be in accordance with LP 26 which weighs against the proposal.

Impact on Heritage Assets LP25: Holywell Grange in the ownership of the applicant is a Grade II listed late 18th Century farmhouse. The lodges and associated development are to the north, west and east with Moor Lane to the south.

The Local Planning Authority has a statutory duty (s66 of the Listed Buildings Act 1990) that:

“In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

LP 25 sets out that proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

In instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant will be required to undertake the following, in a manner proportionate to the asset's significance:

- a. describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest; and
- b. identify the impact of the proposed works on the significance and special character of the asset; and
- c. provide clear justification for the works, especially if these would harm the significance of the asset or its setting, so that the harm can be weighed against public benefits.

This is consistent with the revised 2018 NPPF. Paragraph 189 requires that in determining planning applications local planning authorities should:

“require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

LP 25 also states that “unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal(s) does not harm the significance of the asset and/or its setting”. Paragraph 193 of the NPPF under the heading of considering potential impacts sets out that:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”

Paragraph 194 continues *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*

If a development is considered to result in *“less than substantial harm to the significance of a designated heritage, this harm should be weighed against the public benefits of the proposal”*

A Heritage Impact Assessment (HIA) was submitted during the course of determination of the application and reviewed by the council’s conservation officer prior to setting out the detailed deliberations above with a recommendation of refusal of permission as it “fails to preserve (leave as is) the setting” and does not meet the criteria in LP25 which would allow the development to be supported.

Harm is identified – and the Council therefore has a statutory duty to have special regard to the desirability of preserving the building or its setting. Paragraph 194 sets out that any harm should “require clear and convincing justification”.

It is considered that the harm identified to Holywell Grange would be less than substantial. Under Policy LP25 and NPPF paragraph 196 this harm should be weighed against the public benefit of the proposal which in this case is economic with job creation and wider benefits to the tourism industry. The omission of any lodges to the west of Holywell Lodge recommended by the conservation officer could add further positive weight to the proposal. As it currently stands the impact on heritage assets weakens the case for approval as it would be contrary to LP25.

Flood risk and drainage LP14: Concerns have been raised by residents that the development would increase the risk of flooding. The site falls within Zone 1 (Low Probability) which is land that has a less than 1 in 1000 annual probability of river and sea flooding. The size of the site necessitated the submission of a Flood Risk Assessment which has been assessed by the Lead Local Flood Authority who have confirmed that they are satisfied that surface water flooding has been adequately considered and proposed suitable mitigation methods put forward. No objection has been raised by the Environment Agency. Although details of surface water disposal have not been submitted this can be addressed by imposition of an appropriately worded condition.

Foul water is to be treated on site with an outfall shown to the Black Dike to the west of the site. Objections have been raised in terms of the potential pollution on Black Dike a site of nature conservation importance. The Environment Agency have raised no objections to the proposal and have placed an informative on their response in relation to the preferred hierarchy for foul drainage to be connected to the main sewer. Where this is not possible, any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. Objections have been raised that the Environment Agency may not grant a permit. It is not certain that it would be required and in any event it is reasonable to assume that a satisfactory foul drainage could be designed for the site. This is capable of being controlled by condition. Accordingly the proposal would accord with LP 14.

Biodiversity LP21: A Landscaping and Ecological Management Plan (LEMP) has been submitted in support of the application. It sets out aims and measures for the landscaping and use of the site to achieve high levels of biodiversity and ecological function. The application site comprises two fields, large sections of which are made up of improved grassland. On the south eastern part of the site is a separate smaller area. Enclosed by planting, this section contains the applicant’s dwelling, gardens and various associated outbuildings; including a partially demolished barn.

The two larger fields comprise of broadleaf and some coniferous plantation woodland, generally planted in the last 15 years, as well as scattered individual trees and small, more defined tree groups. Plantation woodland makes up the entire northern half of the western field and extends to much of its western edge, meaning that open space is contained to the southeast section of this part of the site. Within the denser areas of plantation woodland, small clearings and footpaths have been formed. Small blocks of plantation woodland/tree groups are also located within each field, located close to the enclosure of the applicant's private house/gardens.

There is a large pond located in the southern section of the western field. This pond holds water throughout the year and has an island formed in the middle. There are bare patches of earth around the pond edges, as well as scattered vegetation and trees. This will be retained. There will be minimal impact on existing trees and woodland throughout the site which is confirmed by the comments of the Tree and Landscape officer. Development is primarily concentrated on areas of improved grassland. Additional landscaping using native species will also help to enhance biodiversity. A landscaping scheme that is prepared in accordance with the LWMP can be conditioned.

The proposal is considered to accord with LP 21 and does not represent a reason to withhold consent

Noise and disturbance, anti-social behaviour and impact on outdoor pig farm: Objections have been raised on the grounds of increased noise and disturbance due to the potential for large numbers of people to be present on the site together with associated attendant activities taking place. To assess potential noise and disturbance impacts on the nearest dwellings a noise impact assessment was requested and subsequently submitted. This measured existing noise levels at certain locations around the perimeter of the site and then using noise measurements taken on an existing holiday park for comparison predicted future levels. These indicated that there would be no significant impact on properties closest to the site and by logical extension the limited impacts would reduce with an increase in distance. No objections are raised from public protection subject to the imposition of conditions in relation to a management plan for the site. If noise levels exceed those predicted to a significant degree on the site this would be subject to enforcement under environmental protection legislation.

Concerns have been expressed in relation to anti-social behaviour including an increase in litter and potential trespassing onto private land and feeding existing farm animals. These are not matters that can be regulated or controlled by the planning system. This also applies to concerns with crime and it is noted Lincolnshire Police raised no objections. There are worries expressed by a farmer that complaints from holiday makers could curtail the operation of the outdoor pig farm. These are noted and discussions have taken place with public protection officers on this matter who have verbally confirmed that the bar for taking any action is high and probably unlikely due

to the transient nature of the impact as the lodges are intended to be used for holiday purposes rather than a main dwelling which is permanently occupied.

Loss of privacy: Objections have been raised however these are not considered significant due to the nature and scale of the accommodation, existing and proposed vegetation filtering views, the location set back within the site and distance separation. As an example the indicative plans show a distance of approximately 90 metres from the nearest lodge to the western boundary of the site and approximately 60 metres to the bungalow at the junction of Rasen Road with Moor Road.

Financial viability: Concerns have been raised in objections from residents as to the potential viability of the proposal. Although not a policy requirement a private and confidential financial viability appraisal has been submitted.

Controls on occupation of lodges to prevent permanent occupation: This is capable of being controlled through planning conditions.

Demands on call connect service from holiday visitor's impacting on use by residents: This is noted although there is no restriction on the use of this service

Planning balance and conclusion

The proposal has been assessed against the provisions of the Development plan in the first instance, specifically policies LP1: A Presumption in Favour of Sustainable Development, Policy LP2: The Spatial Strategy and Settlement Hierarchy; Policy LP7: A Sustainable Visitor Economy to Support Growth; Policy LP13: Accessibility and Transport; Policy LP14: Managing Water Resources and Flood Risk; Policy LP17: Landscape, Townscape and views; LP21: Biodiversity and Geodiversity; LP25 The Historic Environment and Policy LP 26: Design and Amenity of the Central Lincolnshire Local Plan (2012-2036) and against all other material considerations including the Revised National Planning Policy Framework 2018 and Planning Practice Guidance.

The benefits of the proposal are a new footpath link to Snitterby tempered by the fact that there are limited facilities in Snitterby. 84 lodges will provide visitor accommodation which will benefit the tourism economy and the creation of an estimated 5 full time posts is a factor afforded strong positive weight.

The deliverability of the total 84 units could be subject to uncertainty as there are indications that the units could be sold to order rather than being provided upfront in their entirety, and marketed for sale as holiday lodges which reduces the benefit.

A shop on the site could be regarded as a benefit reducing the need to travel, however, it might compete with the small shop in Waddingham, thus undermining rather than supporting local rural services.

The on-site cycle hire facilities attract support however there is no robust mechanism for deliverability or certainty and as it seems to be targeted to long distance recreational cyclists rather than a mode of travel to access services the weight attached any benefit is limited. The mini bus service for use by holiday users and visitors to tourist attractions and as a pickup service from bus and rail stations is to be welcomed , however as there is no mechanism for delivery and continued provision this is a benefit that must be afforded limited weight.

It is considered that the proposal subject to the imposition of conditions discussed above would not harm the interests of highway safety; it can provide satisfactory surface and foul water disposal arrangements; and potential impacts on neighbouring dwellings through increased noise and disturbance or overlooking and loss of privacy are not considered significant. Measures are in place to enhance biodiversity.

The location of the proposal remote from settlements with a higher level of services and facilities weighs against the proposal as does a lack of evidence that supports the specific location for the type of development proposed.

Measures to improve the accessibility of the site other than by car within the context of the NPPF are noted above and are given limited weight .It is considered highly likely that the predominant means of transport to and from the site will be by use of a car contrary to sustainability.

The Council has a statutory duty to have special regard to the desirability of preserving the building or its setting. It is considered that harm will arise to the setting of the Grade II Listed Building.

Although considered to be 'less than substantial' harm, the impacts on the setting of designated heritage assets also weigh against the public benefit to the economy. It is not convincing that the benefits arising from the development are such so as to outweigh the harm identified.

The density and location of the lodges along road frontages would also detract from the character of the area. The positive benefits of the development to the tourism economy are on balance outweighed by the harm identified above and refusal is recommended as it would be contrary to the policies of the Central Lincolnshire Local Plan in particular LP 2 The Spatial Strategy and Settlement Hierarchy; Policy LP7: A Sustainable Visitor Economy; Policy LP17: Landscape, Townscape and Views; Policy 25: The Historic Environment

Policy LP26: Design and Amenity and Policy LP55: Development in the Countryside

Recommendation: Refusal

1. It is considered that the development is within an isolated location that would not amount to a sustainable rural tourism and leisure development. The benefits of the development to the tourism economy

are outweighed by the harm caused. The location and need for the site within this countryside location is not evidenced, in the context of the NPPF and the very limited improvements to accessibility offered means that that the predominant means of transport to and from the site will be by means of a car. There would harm to the setting of heritage assets and to the character of the area and accordingly it would be contrary to the Central Lincolnshire Local Plan in particular policies LP 2 The Spatial Strategy and Settlement Hierarchy; Policy LP7: A Sustainable Visitor Economy; Policy LP17: Landscape, Townscape and Views; Policy 25: The Historic Environment Policy LP26: Design and Amenity and Policy LP55: Development in the Countryside

Agenda Item 7



Planning Committee

12 December 2018

Subject: Determination of Planning Appeals

Report by:

Executive Director of Operations

Contact Officer:

Mark Sturgess
Executive Director of Operations
Mark.sturgess@west-lindsey.gov.uk
01427 676687

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

Equality and Diversity including Human Rights: The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment: None arising from this report.

Climate Related Risks and Opportunities: None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Appendix A - Summary

- i) Appeal by Mr D Blake against the decision of West Lindsey District Council to refuse planning permission for a ground floor rear extension including courtyard, first floor rear extension, loft conversion with velux rooflights, new front entrance porch, alterations to existing windows at 31 Beaufort Street, Gainsborough, DN21 2RT.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse permission

- ii) Appeal by Mr S Myers, Leverton Farms Limited, against the decision of West Lindsey District Council to refuse planning permission for the erection of a single cottage and the part conversion and extension of an existing garage block to form an ancillary annexe, access and landscaping on land East of Hillside Cottages, Main Street, Burton-by-Lincoln.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Costs Part Allowed – See copy letter attached as Appendix Biia.

Officer Decision – Allow permission

- iii) Appeal by Mr Mark Smith against the decision of West Lindsey District Council to refuse planning permission for a new dormer bungalow on land to the rear of 7 Mill Lane, Morton, Gainsborough DN21 3BW.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse permission

- iv) Appeal by Mr J Bingham against the decision of West Lindsey District Council to refuse planning permission for four new custom build homes with associated office space on Land to the East and West of Gainsborough Road, Willingham by Stow, Gainsborough DN21 5JX.

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse permission

- v) Appeal by Ms Calaby against the decision of West Lindsey District Council to refuse to grant outline planning permission for a mixed development of holiday lodges and work-space building at 23 Barton Street, Keelby, Grimsby DN41 8EP.

Appeal Dismissed - See copy letter attached as Appendix Bv.

Officer Decision – Refuse permission

- vi) Appeal by WPD Holland & Sons against the decision of West Lindsey District Council to refuse the proposed erection of 3no. dwellings at Land on Barlings Lane, Langworth LN3 5DF.

Appeal Allowed – See copy letter attached as Appendix Bvi.

Officer Decision – Refuse permission.



Appeal Decision

Site visit made on 6 November 2018

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2018

Appeal Ref: APP/N2535/D/18/3204736

31 Beaufort Street, Gainsborough DN21 2RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Blake against the decision of West Lindsey District Council.
 - The application Ref 137614, dated 4 April 2018, was refused by notice dated 24 May 2018.
 - The development proposed is ground floor rear extension including courtyard, first floor rear extension, loft conversion with velux rooflights, new front entrance porch, alterations to existing windows.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, with regard to outlook and light b) the effect of the proposal on the character and appearance of the area and c) whether the proposal would provide adequate living conditions for future occupiers with regard to private outdoor space.

Reasons

Character and Appearance

3. 31 Beaufort Street is part of a long terrace of narrow brick built houses, with short rear yards. Most dwellings retain their original monopitch outbuilding at the bottom of their rear yards. Front porches are not a key feature of the front elevations, which retains their simple facades.
4. Many, if not all, of the houses, including number 31, have rear extensions. These are overwhelming single storey. Their varied size and shape gives the terrace a rather haphazard appearance when viewed from the cemetery behind it. Even so, it is still characterised by its uniformity at first floor level, which has ensured that the rhythm of the original design persists.
5. Two houses have two-storey extensions. These are prominent in views from neighbouring dwellings and from the cemetery, upsetting the rhythm noted above. Even among the varied rear extensions they appear as highly incongruous additions, dominating the terrace's confined rear spaces. As such, they have a significant adverse effect on the terrace's character and

appearance. I do not consider that they can be regarded as setting any kind of precedent for further development of this nature.

6. The appeal proposal is arguably more sympathetically designed than the extant squared-off two storey extensions. At two storeys high it would, nonetheless, be equally prominent, incongruous and domineering. It would further exacerbate the harm caused by those already present.
7. The proposal also seeks to include a front porch. This would appear markedly at odds with the simple street facing elevations, which are not characterised by additions of this nature. This is evidenced by two extant exceptions, at numbers 33 and 35 (featuring conspicuous conjoined, enclosed porches), which sit uncomfortably in the street scene, at odds with the dominant building form.
8. I conclude that the appeal proposal would have an adverse impact upon the character and appearance of the area. It would conflict with Central Lincolnshire Local Plan (the Local Plan) policy LP26, in failing to relate well to the site and surroundings.

Living Conditions

9. As a result of their existing extensions, the outlook from the ground floor of the neighbouring dwellings, numbers 29 and 33, would be largely unaffected by the appeal proposal.
10. The outlook from the single windows in their main rear elevations at first floor level, however, is open, over their short rear yards and those of neighbouring dwellings, to the large expanse of the cemetery beyond. That from number 29 is compromised by its own two-storey rear extension, which channels views to the north and east.
11. The very narrow dimensions of the houses, coupled with the extent and height of the proposed extension, would mean that the proposal could not fail to intrude into the outlook from first floor windows of the neighbouring dwellings. It would be viewed at very close quarters, cutting into the open outlook from number 33 and giving rise to a severe tunnelling effect on the outlook from number 29.
12. Turning to light, due to the orientation of the terrace it is unlikely that there would be any significant impact on either sunlight or daylight to number 33. The same is not true of number 29, however, which, during the early part of the day, would suffer a loss of both daylight and sunlight to the window in its rear elevation and those in the eastern side of its rear extension. In my judgment, the 45 degree "daylight angles" shown on the plan would make little appreciable difference, due to the proximity of the dwellings.
13. I conclude that the appeal proposal would have an adverse effect on the living conditions of the occupiers of neighbouring dwellings, with regard to outlook and light. It would conflict with Local Plan policy LP26, with regard to its requirements in relation to the amenity of existing occupants of neighbouring buildings.

Private outdoor space

14. The Council's objection here relates not to the addition of a third bedroom, which one can infer from the officer's report would be acceptable if the current

level of outdoor space was to be retained, but to the fact that inserting a walkway into the rear courtyard would compromise the level of outdoor space.

15. I support fully the Council's position that a three bedroom house should have an appropriately sized private outdoor amenity area. The extent of the current courtyard is, however, far from extensive due to the extant rear extension and the small outbuilding. In real terms, the addition of the proposed connecting walkway would make little appreciable difference to the usability and function of the space. I am also mindful that the proposed sliding glass doors would allow occupiers to open up the walkway as a functional part of the courtyard.
16. I conclude in this particular instance¹ that the appeal proposal would provide adequate living conditions for future occupiers with regard to private outdoor space. It would not conflict with Local Plan policy LP26, with regard to its requirements in relation to the amenity of future occupants.

Other Matters

17. The appeal scheme would provide a dwelling refurbished to modern standards. Even so, this could be achieved without giving rise to the harms noted above.

Conclusion

18. I have found that the appeal proposal would provide adequate living conditions for future occupiers with regard to private outdoor space. I also note that the appeal site is in an accessible location, with regard to local services and facilities. Even so, these factors do not outweigh the harms that I have found with regard to character and appearance and the impact upon the living conditions of the occupiers of neighbouring dwellings.
19. Thus, the appeal proposal would conflict with the development plan when taken as a whole. There are no material considerations that outweigh this conflict and I conclude that the appeal should be dismissed.

Richard Schofield

INSPECTOR

¹ For the avoidance of doubt, my conclusion should not be regarded as setting a precedent, with regard to private outdoor space, for other developments. It is a judgement, based upon the specific factors relating to this site.



Appeal Decision

Site visit made on 16 August 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Appeal Ref: APP/N2535/W/18/3203364

Land East of Hillside Cottages, Main Street, Burton-by-Lincoln

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Myers, Leverton Farms Limited against the decision of West Lindsey District Council.
 - The application Ref 137326, dated 29 January 2018, was refused by notice dated 3 May 2018.
 - The development proposed is described as full application for the erection of a single cottage and the part conversion and extension of an existing garage block to form an ancillary annexe, access and landscaping.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Leverton Farms Limited against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site is located within the village described in the application form as 'Burton-by-Lincoln' but in the local development plan policies and in evidence as simply 'Burton'. Where necessary, I have adopted this shorter name for the village throughout the remainder of this decision.
4. At the time of my site visit the rear portion of the site was overgrown and partially fenced off but could be viewed from the cleared part of the site to the front. The ground level at the front of the site slopes down to the retaining wall, dropping by approximately two metres across the width of the site, at which point it was roughly at the same height as the eaves of 1 Hillside Cottages above first-floor level. The ground level at the back of the site appeared to be on a similar slope and to fall to lower levels to the rear of Hillside Cottages. During the site visit I was approached by an interested party who requested the site be viewed from the neighbouring property. While the interested party had not made a specific request when submitting an objection, it was mentioned as a possibility and I was satisfied that there would be no prejudice to the appellant. The appellant's agent did not object to the viewing from the neighbouring land and also attended.

5. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to comment on the Framework and I have taken all comments into account in reaching this decision.
6. The Council's decision notice gave two reasons for refusal, in summary the impact of the proposal on the Burton Conservation Area, particularly with regard to design and amenity, and the availability of local services and transport links. However, the site notice referred to the possible setting of heritage assets and a number of interested parties objected on the grounds of overlooking, loss of privacy and disturbance arising from vehicle movements, which were matters the appellant covered in his submissions. I have addressed these matters as main issues.

Main Issues

7. Accordingly, the main issues are:
 - a) the effect of the proposed development on:
 - i) the character or appearance of the Burton Conservation Area and the setting of nearby listed buildings;
 - ii) the living conditions of the occupiers of neighbouring dwellings; and
 - b) whether the proposal would be in an appropriate location with particular regard to the access to local services.

Reasons

8. The appeal site is an irregular-shaped plot of land on Main Street close to the summit of a hill and the junction with Middle Street, formerly in agricultural use and as allotments. The site is not largely overgrown to the rear. The site lies uphill and to the side and partially to the rear of No. 1, which is the first in a row of five cottages along Main Street. The boundary between the site and No. 1 is delineated by a stone retaining wall. Uphill from the site is the entrance and grounds of The Waterhouse. The front portion of the site is open and comprises a low wall with a narrow splayed opening and a large triple garage on the uppermost part of the site.
9. The proposal is for the construction of a relatively conventional 1.5-storey, two-bedroom 'L-shaped' dwelling to the rear of the site and for a 1.5-storey, one-bedroom annex attached to the existing garage and incorporating one of the bays. The proposal would require partial excavation of the site and the construction of a retaining wall to provide a level driveway and platform for the main house located to the rear of the site. This would result in a slight slope from the front of the site to the rear to account for the current topography and the difference in height between the ground level for the proposed the main house and the level where the site abuts Main Street.

Conservation Area

10. The area surrounding the appeal site comprises the Burton Conservation Area (the Conservation Area). I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

11. The village was formerly part of a family estate and under its patronage grew with a distinctive pattern of buildings interspersed with open spaces and planted with trees to direct and protect views within the settlement. The significance of the village arises predominantly from its unique status in West Lindsey as the only example of a settlement on the Lincolnshire Cliff escarpment that grew up on the hillside rather than at the foot. The hillside development and open spaces are therefore important defining elements in the character and appearance of the village and the Conservation Area. Mindful of its prominent location in the heart of the village, the open nature of the appeal site makes a positive contribution to this significance.
12. Hillside Cottages is referred to in the Burton Conservation Area Description as an important building in its own right and it is described in parallel with the Listed Buildings in the village. The building is a prominent feature of the village and its principal entry point along Main Street, where it is the largest building having a direct frontage on the street. The building dates from the late eighteenth or early nineteenth century and faces the Church of St. Vincent. It also sits partially in front of the Listed Building at Essex House. As such Hillside Cottages plays an important role in defining the character of the village and in the setting of the surrounding Listed Buildings. The building reflects the character developed during the settlement's time as an estate village of buildings set in open areas with wide spaces surrounding them.
13. The main house and the annexe would be constructed predominantly of stone to match the existing stone of the garage and the neighbouring dwellings, and some brick would be used for door and window lintels. The roofs would be covered with red clay pantiles to match the existing garage roof and prevailing roofing in the vicinity. However, while the majority of buildings on Main Street sit well back from the road, the garage on the appeal site sits forward of the predominant building line and the proposed annexe would approach to within a few metres of the road. This would create a narrow building of 15 metres or so in length almost entirely in front of the main built line of the neighbouring dwellings.
14. The main house on the appeal site would be located at the very rear, behind the houses at Nos. 1 to 5 Hillside Cottages with the annexe some distance away close to the road and having the appearance of a separate dwelling. The result would appear contrived and together with hard surface areas would create an uncharacteristic elongated development over virtually the full depth of the site resulting in the loss of undeveloped open space between buildings that is an important element in the village and part of the character of the Conservation Area. Taken together with the projection of the annex into the otherwise open frontage along Main Street the proposal would have an unacceptable negative impact on the character and appearance of the Conservation Area.

Setting of Listed Buildings

15. While not forming a reason for refusal, I am mindful of my statutory duty, arising under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving listed buildings or their settings when considering the grant of planning permission. Setting is defined in the Framework as the surroundings in which a heritage asset is experienced and is more than simply the view of an asset. Burton is a small

village with a relatively high concentration of Listed Buildings and non-designated heritage assets.

The Church of St. Vincent

16. The Church of St Vincent is a Grade II* Listed Building dating from the 12th century but with additions made in 13th, 14th, 17th and late 18th centuries. As such the building is representative of various important periods in English history and architecture. Like many older rural churches, the Church of St. Vincent sits in a prominent position and was the focus and one of the central hubs of village life which gives the asset its significance. The immediately surrounding land comprises the church graveyard that gives a clear area around the church and makes it conspicuous and visible upon entry to the village from Middle Street.
17. However, the setting of the church is informed not only as the building is approached but also when moving away from it and includes the open nature of the surrounding area. Notwithstanding the location of the relatively modern dwelling at Burton Hill House, from Church Lane the whole of the appeal site would be visible. The interruption of the build-line of properties on Main Street would have an unacceptable detrimental effect on the setting the church by interrupting its prominence.

The Old Rectory and the Coach House

18. The Old Rectory and the Coach House are separately listed Grade II Listed Buildings, but the Coach House is referred to as being listed for group value. The Old Rectory is a relatively complete example of a late 17th to early 18th century dwelling for the minister at the adjacent church, although there are some late 18th century alterations and additions. The Coach House is a mid-19th century structure erected as an ancillary building to the Old Rectory. The relative grandeur of the buildings reflect the association between the family estate and the church and are a significant factor in their significance.
19. The Old Rectory and the Coach House are in close proximity to the church and like the church are in a prominent position that is clearly visible from Main Street. The overall setting of these buildings is similar to the church, and indeed forms part of the setting of the latter as well as being important buildings in their own right. As with the church, the setting of the Old Rectory and the Coach House is informed not only as the building is approached but also when moving away from it and from Church Lane the whole of the appeal site would be visible. The interruption of the build-line in developments on Main Street would undermine the open aspect that forms part of the character of the area and noticeable and detrimental impact on the setting these buildings.

The Old School, Wall, Gate Piers and Gate

20. The Old School and associated elements comprise a Grade II Listed Building in a prominent location on Main Street, downhill from the appeal site. The appellant's design and access statement did not address the setting of this asset. The setting of the Old School house is informed by the wider character of the area, namely open spaces and buildings set back from the road and the building represents an important element in the development of the village that preserved the overall character and appearance. The building of the school reflects the push towards universal education in the country and would have

been a major development in the history of the village giving the assets a wider social significance.

21. From the site of The Old School the proposed main house would likely be hidden by the houses at Hillside Cottage, though the roof ridge might be visible due to the topography of the site. However, the portion of the site closest to the road is visible and while the existing garage cannot be clearly seen when planted borders are in full leaf it is likely that the proposed annexe would be visible. Because the proposed annexe would inject a larger structure into the otherwise open build-line it would break the continuity of the street scene in which the Old School is experienced. The setting of The Old School would be affected by the development.

Essex House and Garage at Essex House

22. Essex House is a Grade II Listed Building from the mid-17th century with 18th and 19th century alterations. The Garage at Essex House is a separately listed Grade II Listed Building comprising a former stable block from the 17th century with some 20th century alterations. The garage is described as being listed for group value. These buildings reflect the pattern of dwellings and associated outbuildings being set well back from the road which is an important element of its setting and are thought to be the oldest buildings after the church. The buildings were possibly the site of the village public house and as such would have played an important social role in the life of the village, providing a secular hub, as the church provided a spiritual one. The likely role of the buildings as a social hub of the village would give them a considerable historical significance
23. The close proximity of the buildings to the appeal site puts the latter within the former's setting. The proposal would result in the loss of open space and the extension of the built line close to the road, which would be detrimental to the setting of Essex House and Garage at Essex House by reducing their prominence causing less than substantial harm.

Bede House and Stone Cottage, Old Post Office and Debonnaire Cottage

24. Bede House, also known as the Monson Alms-houses, is a late 19th century Grade II Listed Building founded as alms-houses by the 7th Baron Monson as part of the estate village. The Grade II Listed Building comprising Stone Cottage, Old Post Office and Debonnaire Cottage is a row of three cottages dating from the 18th century with some early 20th century alterations in the vernacular revival style. The building is an important element in the setting of Bede House and is described as being listed for group value.
25. These buildings front Middle Street and therefore the setting is defined by their presence on the top edge of the escarpment. Although the buildings are within the developed footprint of the village they sit apart from the earlier development on Main Street and relate more closely with the open countryside to the east of Middle Street and wooded upper slopes of the hill behind. The setting of these buildings would not be affected by the development.

Other Considerations

26. The detrimental impact of the proposal on the Conservation Area and the setting of listed buildings identified above would lead to less than substantial harm. Paragraph 196 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, the harm should be weighed against the public benefits of the proposal. The main benefit identified is the provision of a single house that would make a contribution towards the Council's target for housing growth in Burton in a sustainable location. This very modest contribution would not be sufficient to outweigh the harm to the character or appearance of the Conservation Area or the harm to the setting of designated heritage assets.

27. Therefore, the proposed development would not accord with Policy LP25 of the Central Lincolnshire Local Plan 2017 (the Local Plan), which seeks to ensure that developments preserve and enhance views into or out of a conservation area and retain historic building lines and that developments that effect the setting of Listed Buildings should preserve or better reveal the significance of the asset, and should provide clear justification for proposal affecting the setting of non-designated heritage assets.

Living Conditions

28. No. 1 Hillside Cottages is immediately adjacent the site's boundary. The location of the proposed main dwelling to the rear of the site would be in close proximity to rear outbuildings at No. 1, which have a higher ground level than the principal dwelling. The main house on the appeal site would only have ground floor windows on the southern and western elevations which face No. 1, and the proposed excavation of a platform would lower the ground level to within a metre or so of the ground level at the outbuildings. However, the proposed building platform would remain a few metres above the ground level adjacent to the dwelling at No. 1 Hillside Cottages and from the amenity and turning spaces in the north-western corner of the appeal site the rear elevations and garden spaces across Hillside Cottages would be overlooked resulting in an unacceptable loss of privacy.
29. The use of the site for garaging in the bays to be retained at the extant structure would not cause an unacceptable or any additional harm than would arise from an existing use. However, the extension of the drive to the rear portion of the site would bring traffic within close proximity and at a significant height above the rear outbuildings and amenity space at No. 1. As a consequence of the low level of the retaining wall at this point, traffic movements on the driveway and turning area would be likely to appear endangering to any person using the space between the two outbuildings adjacent to the site and would therefore be overbearing and unacceptably harmful to the enjoyment of this space.
30. In hours of darkness, vehicles using the turning space to manoeuvre would shine headlights on at least the flank wall of No. 1, which has windows for habitable rooms. The height of any vehicle and the necessarily close proximity to the retaining wall between the site and the curtilage of No. 1 would lead to the penetration of headlights. Assuming one or two vehicle movements per day during darkness hours (which would be more likely between late autumn and early spring when there are fewer daylight hours) this penetration would have a moderate negative impact on the living conditions of the occupiers at No. 1. Vehicles using the garaging spaces at the proposed annexe would not cause an unacceptable or any additional harm than would arise from an existing use.
31. The issues with overlooking and headlight glare could be mitigated by the erection of high-level close-boarded fencing. However, the orientation of the site means that the proposal without fencing would be unlikely to result in significant overshadowing or loss of light over and above that already experienced within

the curtilage of No. 1. The erection of fencing would be likely to lead to unacceptable harm from overshadowing and given the height differential would also be unacceptably overbearing. With regard to the proximity of the drive and the lower amenity space between the rear outbuildings at No. 1, any fencing would be likely to create a great sense of apprehension as vehicles would be unseen as they approached the barrier between the sites.

32. The proximity of the drive to No. 1 would result in engine and tyre noise being created close to the boundary. However, the curvature of the proposed driveway would require vehicles to manoeuvre at relatively low speeds and therefore would be unlikely to result in any unacceptable detrimental impact.
33. Therefore, the proposed development would not be in accordance with Policy LP26 of the Local Plan, which seeks to ensure that developments do not unduly harm the amenities of existing and future occupiers of neighbouring land.

Access to services

34. Burton is earmarked in Policy LP4 of the Local Plan for a 15% growth in housing. Presumably there is an identified need for additional housing in the Central Lincolnshire Area and Burton would be an appropriate location for such housing. While some housing developments have been approved there remains scope within the target for additional housing in the village. I am referred in evidence to a proposal on a different site for up to seven dwellings; however, it is not clear whether the application for that development has been determined. Notwithstanding any other development proposals, the scheme subject to this appeal would provide additional housing within the village for which I presume there is a demand.
35. Burton is a small village with few facilities other than the church and the Burton Estate Club. However, the village is well-served by public transport with a regular bus service between Saxilby and Lincoln and a school bus service to Queen Elizabeth's High School, Gainsborough during term times. The bus stops are on Middle Street which is a short walk from the site and accessible by footpath although the bus to Lincoln would require crossing the highway with a 50mph speed limit and there is no pedestrian crossing. While public transport is a feasible option private vehicle travel is more likely, but this is commonly expected in rural areas.
36. The Policy provision for a 15% growth in the number of dwellings in the village was determined when the access to services in the village was known and presumably the need for travel was understood and considered acceptable. There is no compelling evidence before me that would require me to reach a different conclusion.
37. Therefore, the proposed development would accord with Policy LP13 of the Local Plan, which seeks to ensure that developments are located where travel can be minimised and the use of sustainable transport modes maximised.

Other Matters

38. I have been referred to an appeal decision¹ in respect of a proposed dwelling in the grounds of The Waterhouse, which is located adjacent to the appeal site. The Inspector's decision deals with the impact of that proposal on the character

¹ APP/N2535/W/15/3236940

or appearance of the Conservation Area and the setting of Listed Buildings at Bede House and Stone Cottage, Old Post Office and Debonnaire Cottage. In respect of the first consideration, I have reached a similar conclusion to the Inspector. With regard to the impact on the setting of Listed Buildings I have reached a different conclusion but this is due to the different relationship of the site for that proposal with the relevant buildings.

Conclusion

39. Therefore, for the reasons give above and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

Costs Decision

Site visit made on 16 August 2018

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2018

Costs application in relation to Appeal Ref: APP/N2535/W/18/3203364 Land East of Hillside Cottages, Main Street, Burton-by-Lincoln

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr S Myers, Leverton Farms Limited for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for a development described as full application for the erection of a single cottage and the part conversion and extension of an existing garage block to form an ancillary annexe, access and landscaping.
-

Decision

1. The application for an award of costs is allowed, in part, in the terms set out below.

Reasons

2. The applicant submits that the Council has acted unreasonably in that it failed to substantiate the reasons for refusal and made vague and unsupported assertions. Refusal was on the grounds that the proposal did not take account of the historic environment and the impact on the Burton Conservation Area (the Conservation Area), particularly in terms of design and amenity and that the site was in an unsustainable location away from transport links and shops.

Conservation Area

3. The first reason given for refusal was related to the impact of the proposal on the historic environment and the Conservation Area. Officers recommended approval on the basis that the impact would be acceptable but Members disagreed. Members are not required to follow officer recommendations and in this case and it will be seen from my decision in the substantive appeal that I found the impact on the Conservation Area and the setting of Listed Buildings and non-designated heritage assets to be contrary to policy and not outweighed by any identified benefits. I therefore disagreed with the officer's assessment and dismissed the appeal.
4. However, the decision gave two broad areas for refusal on this point, namely that the proposal did not take account of the historic environment and secondly the impact on design and amenity. On the first of these points the applicant's Design and Access Statement clearly addresses the significance of the Conservation Area and the Listed Buildings save for the Old School. There is no appraisal of the setting of the building at Hillside Cottages but the Council

did not specifically identify this as a non-designated heritage asset; it is identified as such in the Conservation Area appraisal. It was open to Members to disagree with the conclusions of the appraisal as a matter of planning judgment but it is not correct to say that no account was taken of the heritage assets. The omission in relation to Hillside Cottages and The Old School were minor points that had they been addressed would be unlikely to change the conclusions of either party.

5. It is possible that the drafting of the reason is simply an insufficient expression of disagreement on conclusions but the second element of the reason, design and amenity, is more problematical. While the reference to design and amenity reflects the title of Policy LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan), the Policy provides a number of different considerations. From my decision in the substantive matter it can be seen that I found the proposed design to be in keeping and reflective of the local vernacular in terms of materials used but also that the proposal would cause unacceptable harm to the living conditions of neighbouring occupiers.
6. There is little clarity in the decision notice to enable the applicant to understand the fundamental reasons for refusal. In the appeal process I had the benefit of the Council's statement which helped clarify matters. However, while the Council's statement does specify the matters being referred to it remains lacking in sufficient detail as to how the proposal would negatively impact on heritage assets and the amenity of neighbours. While failure to substantiate reasons for refusal in the decision notice constitutes unreasonable behaviour, the appeal was made with a view to pursuing the application. As the appeal was dismissed for the similar reasons, the applicant did not incur additional or unnecessary expense in pursuing the appeal.

Unsustainable Location

7. The second ground of refusal, namely that the site is in an unsustainable location away from transport links and shops is untenable given the totality of the local development plan. The village of Burton has very few facilities but is relatively well served by public transport, with numerous buses available from stops within easy walking distance of the appeal site. From the decision in the substantive matter it will be seen that I did not agree with the Council's conclusions on this matter.
8. Burton is identified in Policy LP4 of the Local Plan as earmarked for 15% housing growth over the lifetime of the Plan. Housing anywhere in the village would be subject to the same paucity of local facilities and the reliance on travel to access services. While there is always an element of judgment in the suitability of transport links when these have to be accessed some distance away, there are few locations in the village closer than the appeal site to the bus stops on Middle Street.
9. Policy LP4 clearly supports development in the village and there is evidence before me of other proposals being approved. Those schemes will have similar or perhaps poorer access to facilities and transport and therefore the reliance of a lack of services and public transport links is evidence of apparent inconsistent decision-making and contrary to the Council's own Policy. This failure to provide substantiated reasons for refusal in the decision notice constitutes unreasonable behaviour. As the ground for refusal was not

sustainable the applicant incurred unnecessary and wasted costs in pursuing an appeal on this point.

Other Reasons

10. At the committee meeting on 4 April 2018, Members raised a concern about possible springs running through and below the appeal site. There is no mention of possible springs in the Officer's report to committee and this did not form any part of the Council's reasons for refusal. However, in its statement the Council re-introduces the question of springs and also, for the first time, the impact of the proposal on the Lincoln Cliff escarpment Area of Great Landscape Beauty (the AGLV). The site is below the ridge and outside the AGLV and there is no evidence that the proposal would affect springs on the appeal site, or even that there are springs on, or water crossing the site.
11. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG makes it clear that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal by failing to produce evidence to substantiate each reason for refusal and introducing vague, generalised or inaccurate assertions about a proposal's impact that were unsupported by any objective analysis.
12. While the appeal was dismissed for a reason similar to that the Council gave, it also relied on unsustainable grounds contrary to its own policy and introduced or re-introduced additional matters that the applicant had to address. This caused the applicant to incur unnecessary costs in addressing those issues within the appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated. However, those wasted costs are limited to the expense of addressing the second main issue in the appeal and the additional matters only so that a partial award of costs is justified.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Lindsey District Council shall pay to Mr S Myers, Leverton Farms Limited, the costs of the appeal proceedings described in the heading of this decision, those costs being limited to the costs incurred in addressing the unsustainable location of the development, the effect of springs on the site and the effect on the AGLV, such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to West Lindsey District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

D Guiver

INSPECTOR

Appeal Decision

Site visit made on 18 October 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 November 2018

Appeal Ref: APP/N2535/W/18/3202824

Land to the rear of 7 Mill Lane, Morton, Gainsborough DN21 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Smith against the decision of West Lindsey District Council.
 - The application Ref 137020, dated 13 November 2017, was refused by notice dated 4 January 2018.
 - The development proposed is new dormer bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.
3. In its decision notice the Council describes Mill Wood to the north of the appeal site as 'protected woodland' and there is indeed a tree preservation order dated 4 March 1985 (the TPO) in force which creates an area designation for trees in Mill Wood. However, while the description in the Schedule to the TPO refers to 'mixed hard and soft woods', the attached plan limits the scope of the TPO to 'the several horse chestnuts, pine and silver birch in the area'. Where there is a discrepancy between the schedule and the plan, the relevant regulations¹ provide that the plan should prevail and therefore the TPO appears only to protect the named species.
4. There are two trees within Mill Wood close to the boundary with the appeal site whose root systems and canopies sit within the projected footprint of the building on the appeal site and would be affected by the proposed development. However, these trees are identified as common ash and therefore are not specifically protected by the TPO. Any effect of the proposal on these trees falls to be considered under the general requirements of planning law and the contribution trees make to the character or appearance of an area.

¹ Regulation 3(4) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012

Main Issues

5. Therefore, the main issues are:
 - a) whether the proposed development is in a suitable location with regard to the potential for flooding; and
 - b) the effect of the proposed development on the character and appearance of the area, including its effect on trees.

Reasons

6. The appeal site comprises a parcel of land within the rear garden of 7 Mill Lane close to the boundary with Mill Wood. The surrounding area is predominantly residential with a relatively recent development off Granary Close which lies adjacent to the appeal site. The proposal is for the construction of a dormer bungalow on the site close to the boundary with the wood. Access would be off Granary Close close to the corner of the site furthest from the existing dwelling at No. 7.

Flood Risk

7. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) provides a spatial strategy and settlement hierarchy for development in the Council's administrative area and identifies Morton as a medium village. The Policy seeks to ensure that development in medium villages is limited in scale and occurs only in appropriate locations. In summary, appropriate locations are defined as locations where development would not conflict with other national or local policies and would retain the shape and character of a settlement. Policy LP4 of the Local Plan suggests that, given its size and key facilities, Morton could accommodate approximately 15% growth. However, this figure is subject to a caveat in paragraph 3.4.5 of the Local Plan that questions whether proposals would be able to overcome constraints in the village, specifically identifying flood risk as a concern. Policy LP14 requires that all development proposals in flood risk areas apply the sequential test and, if necessary, the exceptions test set out in the Framework.
8. The appellant provided a Flood Risk Assessment (the FRA) which identified that the village of Morton, including the appeal site, was within Flood Zone 3. The FRA concluded that the risk of fluvial flooding was medium and other flood risks were low or not present. The appellant stated that because the whole of the village was within Flood Zone 3 the sequential test required by the Framework was satisfied.
9. The appellant referred to two appeal decisions² for development proposals in the village where the question of the sequential test was considered. In each case the Inspector referred to the need for the sequential test to consider a wider area than the village because of the scale of the developments proposed, namely 37 dwellings and 9 dwellings respectively. The appellant appears to infer from this that a smaller scale development such as the current proposal could properly limit the scope of a sequential test to within the settlement boundary.

² APP/N2535/W/16/3152072 and APP/N2535/W/17/3172910

10. I do not have before me the evidence upon which the Inspectors reached their conclusions but accept that the scope of a sequential test should take into consideration the scale of a development, with larger proposals requiring a wider area for consideration. However, there is no compelling argument before me to justify limiting the scope of the sequential test to the village alone. While a district-wide approach might be excessive when proposing a single dwelling, there is no explanation why the test should not consider other nearby settlements, including the town of Gainsborough which lies just to the south and is contiguous with the village.
11. The decision to limit the scope of the sequential test to the village without compelling reason appears to be an artificial and arbitrary approach. In the absence of an articulated reason for such a limitation I must take a precautionary approach and conclude that the sequential test provided does not satisfy the requirements of the Framework as there might be sequentially preferable sites within a reasonable area for the application of the test.
12. However, even if the sequential test was adequate and there were no sequentially preferable sites available, it would then become necessary to satisfy both arms of the exceptions test. The second arm of the test requires that the development be safe for its lifetime and would not increase flood risk elsewhere. Mitigation measures proposed in the FRA would be likely to satisfy this element and there is no compelling evidence that the scheme would increase flood risk elsewhere.
13. However, the first arm of the test states that it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk. While the FRA assesses risk from fluvial flooding as medium the development would offer only a single additional dwelling. Neither party has suggested that the Council is unable to demonstrate a five-year supply of deliverable housing sites and therefore a single additional residential unit would present an extremely modest benefit that would not outweigh the potential flood risk.
14. Therefore, the proposal would not be in accordance with Policy LP14 of the Local Plan, notwithstanding the identification of Morton as potentially suitable for growth in Policies LP2 and LP4 of the Local Plan.

Character and Appearance

15. The ash trees in Mill Wood on the boundary between the wood and the appeal site are relatively mature and valuable examples of such trees. One of the trees stands close to the proposed site entrance off Granary Close. This is a large tree with a trisected trunk whose roots form a visible mound 100mm or so above ground level that slopes down and reaches ground level on one side within a very short distance of the boundary fence with the appeal site. The root system is likely to continue for some distance just beneath the surface at this point. The proposed vehicle access to the site and one corner of the proposed building would occupy the space above the likely location of the root system.
16. The canopy of this tree overhangs the appeal site and over the proposed location of the dwelling by four metres or so. The canopy is relatively low hanging and it occupies a prominent position close to Mill Wood's boundaries

- with the appeal site and Granary Close. The tree makes an important contribution to the character and appearance of the area.
17. The second ash tree is further back from Granary Close and stands closer to the rear of the footprint of the proposed house but is still in a relatively prominent position. The tree appears smaller and less mature than the first tree but is still an important and valuable tree in its own right. The root system and canopy would also be affected by the proposed development.
 18. The appellant's tree survey proposes a number of measures to protect the roots of these trees during construction including giving options for the building foundations and the access road. Although no firm proposal has been made at this stage, a condition could require the appellant to submit firm plans to the Council for approval before the development begins.
 19. However, the survey also proposes significant reduction of the trees' canopies over the footprints of the building (at circa 8.5metres to the front and five metres to the rear) and the access road (at 4.5metres). The trimming of the canopies by such an extent would have a marked and detrimental impact on the appearance of the trees and, given their prominence, on the character and appearance of the area, including the character and appearance of Mill Wood.
 20. Therefore, while the trees' roots might be protected, subject to approval of details, the harm to the canopies would not accord with Policies LP17 and LP21 of the Local Plan which seek to ensure that developments protect and enhance habitats and sites of local importance and protect and enhance the character and appearance of the natural landscape.

Other Matters

21. While not forming a reason for refusal, I am mindful of my statutory duty, arising under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving listed buildings or their settings when considering the grant of planning permission. Setting is defined in the Framework as the surroundings in which a heritage asset is experienced and is more than simply the view of an asset. The site notice referred to the proposed development being within the setting of a Grade II listed building, namely the Mill at Gainsborough Laundry, which is a tall slope-walled mill topped with a wooden dome.
22. However, the building has been surrounded by a small modern housing estate and the setting is now defined by reference to that housing. The proposed development would not differ materially from the other, closer housing and therefore would not have any appreciable impact on the listed building or its significance as a heritage asset.
23. The Council stated that the parking provision identified in the proposal would be inadequate but did not specify this as a reason for refusal. The proposal would provide an integral garage and an exterior driveway that could be used for vehicle turning or as an additional parking space. Given the scale of the proposed development the parking provision would be adequate. I note that the Council did not provide any detailed clarification for the statement that the provision was inadequate and that the highway authority did not object to the proposal on any highway or parking grounds. However, while the parking provision would be adequate this would not be sufficient to overcome the

concerns about flood risk or the significant harm to the character and appearance of the area by the proposed tree-trimming.

Conclusion

24. Therefore, for the reasons give above and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR



Appeal Decision

Site visit made on 18 October 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary

Decision date: 15 November 2018

Appeal Ref: APP/N2535/W/18/3202286

Land to the East and West of Gainsborough Road, Willingham by Stow, Gainsborough DN21 5JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Bingham against the decision of West Lindsey District Council.
 - The application Ref 136752, dated 9 September 2017, was refused by notice dated 10 November 2017.
 - The development proposed is four new custom build homes with associated office space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters reserved for future consideration. Drawings submitted with the application showing access and site layout are described as indicative and I have determined this appeal accordingly.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.
4. Interested parties made a number of representations that the Council did not rely on in its decision notice, but which nevertheless raised the possibility of a detrimental impact on the living conditions of neighbouring occupiers.

Main Issues

5. Therefore the main issues are:
 - a) whether the proposal is in an appropriate location with regard to local development plan policies;
 - b) the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers; and

- c) whether the proposal would result in undue reliance on private motor transport to access services.

Reasons

6. Policy LP1 of the Central Lincolnshire Local Plan 2017 (the Local Plan) provides a presumption in favour of sustainable development where proposals accord with the local development plan policies, reflecting the presumption in the Framework. Policy LP2 provides for a spatial strategy and settlement hierarchy that seeks to concentrate development in larger towns and villages and limit schemes in smaller settlements and the countryside. Proposals for development in small villages should be limited to around four dwellings in appropriate locations. Schemes in hamlets should be limited to single infill proposals in appropriate locations within the developed footprint.
7. Hamlets are defined as small settlements of at least 15 dwellings clearly forming a single settlement and not otherwise identified in the Local Plan. Appropriate locations are defined as those that do not conflict with national or local policies (such as, but not exclusively, Policy LP26), and: where development would retain the core shape and form of the settlement; would not significantly harm its character and appearance; and would not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.
8. Policy LP26 of the Local Plan provides that developments should provide high quality designs that respect the existing landscape character and identity, and relate well to the site and surroundings. Developments should not result in the visual or physical coalescence with any neighbouring settlement or in ribbon development or other extension of existing linear features of the settlement but retain, where appropriate, a tight village nucleus. Additionally developments should not unduly harm the amenities of existing and future occupants of neighbouring land and buildings including with regard to overshadowing and loss of light.
9. Policy LP55 of the Local Plan seeks to ensure that residential development in the countryside is mainly limited to the conversion of existing buildings or the replacement of existing dwellings. Where wholly new dwellings are proposed in the countryside they should be limited to those essential for rural operations defined in Policy LP2, such as agriculture, horticulture or forestry.

Location

10. The appeal site comprises two parcels of land separated by the carriageway of Gainsborough Road. The southernmost edge of the site lies half a kilometre or so from the centre of the village of Willingham by Stow and more than 300 metres from the nearest buildings in the village's main developed footprint. There is a small number of existing houses north of both parts of the site, which together with a pub cluster around a farmyard close to the point where Gainsborough Road becomes Willingham Road.
11. The cluster of buildings is located roughly centrally between the villages of Willingham by Stow and Kexby and is separated from each by open fields in agricultural use. There are a dozen or so houses in total which even taken together with the pub and the farmyard do not provide a sufficient number of dwellings to be defined as a hamlet under the Local Plan. Therefore, the

appeal site and the adjacent dwellings are located in the open countryside for the purposes of the Local Plan and national policy.

12. The proposed development is described as being for custom-build live/work units. Although there is no specific policy in the Local Plan referring to live/work units the principal function of the proposed buildings would be as houses. Therefore it is necessary to assess the scheme against the relevant policies in the Local Plan that relate to the provision of housing.
13. There is no evidence before me that the properties would be occupied by rural workers or that dwellings were essential in this particular location for rural operations. Therefore, the proposal would not accord with Policies LP1, LP2 or LP55 of the Local Plan.

Character and Appearance

14. The proposal is for the construction of four detached houses with associated office space, with one dwelling located on the parcel of land to the east of Gainsborough Road and the three remaining buildings on the western portion of the site. The indicative site plan shows a potential layout of the site. However, if the number of vehicular access points is to be limited as suggested and there is to be sufficient space for turning without the loss of personal garden space, the indicative plan would be a logical layout.
15. The surrounding area comprises a loose cluster of buildings over a wide area. The area is separate from the nearby villages and does not form part of any gateway into those settlements. The proposed development would be more densely packed than the neighbouring dwellings and would be an alien and incongruous addition to the rural landscape. The proposal would stretch the cluster of houses creating a ribbon development and would narrow the open space between the existing buildings and the developed footprint of Willingham by Stow, resulting in a shift towards physical and visual coalescence.
16. Therefore, the proposed development would not accord with Policy LP26 of the Local Plan with regard to the character and appearance of the area. In addition, the proposal would not accord with Policy LP2 of the Local Plan as the failure to accord with Policy LP26 would mean that the appeal site would not be an appropriate location. The likely locations of the existing buildings would be at odds with the existing build-line on the western side of the road where the three houses north of the site are gradually stepped back westward to allow each to have an open southern aspect from the flank wall. The indicative plan shows buildings close to the road and well to the east of the first two buildings to the north.
17. Therefore, the proposal would not respect the existing landscape character and the tendency towards coalescence and ribbon development would be contrary to Policy LP26 of the Local Plan. The proposal would also not accord with Policy LP2 of the Local Plan as the failure to accord with Policy LP26 would mean that the appeal site would not be an appropriate location.

Living Conditions of Neighbouring Occupiers

18. To provide for safe access to the highway and vehicle turning for a house on the eastern portion of the site, the building would be likely to be erected in the approximate area shown on the indicative plan. At the time of my site visit the morning sun was relatively low in the sky and a two-storey dwelling in the

location shown on the plan would have overshadowed the rear elevation of the semi-detached pair of houses to the north known as Springbank and Springbank South. This would be a particular problem in late autumn to early spring when the sun is low in the sky.

19. The northernmost building proposed on the western half of the site would sit relatively close to the flank wall of the dwelling at Glendale. Glendale is a bungalow with the main windows for several living rooms in the south-facing flank wall. At the time of my site visit the flank wall was partially in shadow from the existing boundary hedge. A two-storey dwelling would be considerably taller than the hedgerow and would be likely to cast a shadow over the full height of the wall up to the eaves, especially in months when the sun was low in the sky.
20. Even if the site layout could significantly alter and a different configuration be put forward, the probability of a detrimental impact on the living conditions of the occupiers of Glendale would remain. The appellant points out that the full impact can only be truly assessed with detailed plans. In such circumstances it would be necessary to take a precautionary approach and conclude that the risk of unacceptable harm from the development was likely.
21. Therefore, the proposed development would not accord with Policy LP26 of the Local Plan with regard to the amenities of existing and future occupants of neighbouring land and buildings. In addition, the proposal would not accord with Policy LP2 of the Local Plan as the failure to accord with Policy LP26 would mean that the appeal site would not be an appropriate location.

Access to Services

22. Gainsborough Road is subject to the national speed limit as it passes the appeal site and there is no footpath on the western side of the road, save for a very small stretch surrounding a bus stop some distance away close to the pub. There is a footpath on the eastern side of the road. Other than the pub, there are no services in the area surrounding the appeal site. There is a surgery, church and further pub in Willingham by Stow and a shop and church in Kexby. The nearest school appears to be in Sturton by Stow.
23. Other than the pub, future residents of the appeal site would have to travel some distance to access any other services. While there is a bus stop within easy walking distance of the site, the nearest services are relatively limited in scope. To access more comprehensive services would involve travelling greater distances to the nearest towns or large villages and private motor vehicles would be the most likely mode of transport.
24. Therefore, the proposal would not accord with Policy LP13 of the Local Plan which seeks to ensure that developments are located where travel can be minimised and the use of sustainable transport maximised. As the proposal would be contrary to Policy LP13 it would not be in an appropriate location for the purposes of Policy LP2 of the Local Plan

Other Matters

25. Although not forming a reason for refusal, the Council refers to the agricultural benefit of the appeal site. The appellant describes the land as informal grazing land whose development would not lead to the loss of important agricultural land. However, Natural England's East Midlands Agricultural Land Classification

Map describes the appeal site as grade 3 (good to moderate). Grade 3 land falls within the definition in the Framework of best and most versatile agricultural land.

26. The appellant has referred me to the decision in a recent appeal¹ where the Inspector found that while an appeal site was outside the developed footprint of the settlement of Osgodby, it was located on the edge of the settlement adjacent to higher density dwellings and structures. I do not have before me the evidence that was before the Inspector so am unaware of the specific distances involved. However, I note that the site was close to services in Osgodby. In this appeal, the site is far from any services and is adjacent only to buildings which themselves are not within the developed footprint. Therefore I consider that the circumstances pertaining to the appeal decision are not directly comparable to the current case. In any event I must determine this appeal on its own merits.

Conclusion

27. Therefore, for the reasons give above and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver
INSPECTOR

¹ APP/N2535/W/17/3168283



Appeal Decision

Site visit made on 18 October 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 November 2018

Appeal Ref: APP/N2535/W/18/3206655

23 Barton Street, Keelby, Grimsby DN41 8EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Calaby against the decision of West Lindsey District Council.
 - The application Ref 136910, dated 16 October 2017, was refused by notice dated 8 January 2018.
 - The development proposed is mixed development of holiday lodges and work-space building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with landscaping reserved for future consideration. Drawings submitted with the application showing landscaping details are therefore merely illustrative in relation to the reserved matter and I have determined this appeal accordingly.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.
4. The appellant states that the application is essentially a resubmission of an earlier proposal but that the Council has given new reasons for refusal. The original application is not before me and I must determine this appeal on its own merits. However, I note that between the determination of the first scheme and the issue of the current application the Central Lincolnshire Local Plan 2017 came into force and this now comprises the local development plan. Accordingly, I must also determine the current application in relation to the current plan.

Main Issues

5. The main issues are;
 - a) whether the proposal is in an appropriate location with regard to local development plan policies; and
 - b) the effect of the proposal on the character and appearance of the area.

Reasons

6. The proposal is for a mixed development of holiday lodges and a small office complex. The proposed buildings would be single-storey structures, clad in timber with roofing either slate tiles (for the lodges) or aluminium sheet (for the offices). Final landscaping is a reserved matter but the application plans do refer to the retention of some existing trees and identify existing hedges though without stating the extent to which they might be retained.

Location

7. The appeal site comprises an open field surrounded on three sides by a hedge and currently in agricultural use (though it appears to be left fallow). The site lies outside the footprint of the nearest settlement at Keelby and is therefore within the open countryside. The area surrounding the site is also predominantly in agricultural use although the busy A18 runs in front of the site. On the opposite side of the A18 there is a vehicle sales business and beyond that lies the main built form of Keelby. There are a few outlying houses fronting the A18.

Holiday Lodges

8. Tourism is a major United Kingdom industry that generates a significant income and makes a major contribution to the national and local economies. There is evidence of a growth in tourism leading to increased demand for accommodation in Lincolnshire. However, the evidence before me does not demonstrate a specific need for accommodation in the location of the appeal site. Even if such a need could be shown there is no compelling evidence to show why such accommodation could not be located within the settlement boundary of the nearby village of Keelby rather than in the open countryside. While I accept that accommodation at the appeal site could provide a base from which tourists could travel to a number of attractions in Lincolnshire, the same would be true of accommodation in any number of other locations.
9. The proposed development is relatively small in size so would provide limited support for local services in Keelby and there is little evidence to demonstrate that such services are under threat and would therefore require support. Again, even if there was evidence of a threat to facilities in Keelby, development within the settlement footprint would be at least as effective in providing the necessary support.
10. Therefore the proposed development would not accord with Policies LP2, LP7 and LP55 of the Central Lincolnshire Local Plan 2017 (the Local Plan) which seek to limit new development in the countryside to that which is demonstrably essential to the effective operation of outdoor recreation and accommodation necessary for agriculture, horticulture or forestry.

Employment Site

11. The appellant states that the proposed development would allow small businesses to have access to office space without having to travel to larger settlements. There is clearly a need for rural employment opportunities although no evidence of a specific need in Keelby has been shown nor has there been any consideration given to providing opportunities in existing designated sites. However, even if evidence of a specific local need was demonstrated and existing sites proved unsuitable, there is no compelling

evidence showing why the proposed office space could not be provided within the developed footprint of Keelby or some other nearby settlement.

12. Therefore the proposed development would not accord with Policies LP2 and LP5 of the Local Plan which seek to direct new employment development towards specifically designated employment sites unless it can be demonstrated that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of an existing settlement. The scheme would also not accord with Policy LP55 which seeks to ensure that the rural location for any enterprise is justified to maintain or enhance the rural economy.

Character and Appearance

13. Although the site is reasonably close to the commercial unit on the opposite side of the A18 it is clearly more closely associated with the surrounding countryside than the settlement which lies behind the vehicle sales business site. While the holiday lodges would be relatively small they would not be accompanied by any other facilities and the development would appear intrusive and contrived in the context of the wider countryside. The scale and design of the office block would sit uncomfortably in the otherwise undeveloped rural landscape.
14. Therefore the proposed development would not accord with Policies LP2 and LP55 of the Local Plan which seek to limit development in the countryside and ensure that schemes would not conflict with neighbouring uses and would be of a size and scale commensurate with the proposed use and the rural character of the location.

Conclusion

15. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

Appeal Decision

Site visit made on 18 October 2018

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 November 2018

Appeal Ref: APP/N2535/W/18/3207425
Land on Barlings Lane, Langworth LN3 5DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by WPD Holland & Sons Limited against the decision of West Lindsey District Council.
 - The application Ref 137084, dated 28 November 2017, was refused by notice dated 22 January 2018.
 - The development is described as proposed erection of 3no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for proposed erection of 3no. dwellings at Land on Barlings Lane, Langworth LN3 5DF in accordance with the terms of the application Ref 137084, dated 28 November 2017, subject to the conditions in the attached Schedule.

Preliminary Matters

2. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.

Main Issue

3. The main issue is whether the proposal is an appropriate form of development having regard to the policies in the local development plan.

Reasons

4. Policy LP2 of the Central Lincolnshire Local Plan 2017 (the Local Plan) provides a spatial strategy and settlement hierarchy that identifies Langworth as a small village. The Policy seeks to prioritise developments promoted in a neighbourhood plan or where clear local community support is demonstrated. Other small scale proposals of around four dwellings in appropriate locations should be considered on their own merits. Appropriate locations are defined as locations that do not conflict with national or local policies taken as a whole, and where development would retain the core shape and form of the settlement and would not significantly harm the settlement's character and appearance, including its rural setting, or the character and appearance of the surrounding countryside.

5. Policy LP4 of the Local Plan states that in principle Langworth would be permitted to grow by 10%. The Council states that the proposal in combination with other extant permissions and development built since 2012 would result in a 20% increase in housing in the village.
6. The Council's evidence gives details of a number of approved developments where planning permission was given before the Local Plan came into force but little information about approvals since that date. Paragraph 1.1 of the Local Plan clearly states that the period covered by the plan is 20 years from adoption in 2017 to 2036. The 10% growth figure in Policy LP4 should be considered from the date of adoption as earlier developments and approvals would have been factored in when setting the target. I therefore attached little weight to approvals under previous iterations of the local development plan in determining whether the proposed development would impact on the 10% growth figure provided for in the Local Plan.
7. There is no neighbourhood plan in force that could promote the proposed development and limited evidence of demonstrable local community support, although there are no specific objections either. The proposal should therefore be determined in accordance with the remaining criteria in Policy LP2 of the Local Plan.
8. The appeal site comprises an open field located between existing houses and a small cemetery. There are a number of trees on the site including four along the front boundary that are protected by a tree preservation order (TPO). There are further houses on the far side of the cemetery and on the opposite side of the road. Other than the cemetery the area is predominantly residential. The proposal is for the erection of three detached houses on the site, which is large enough to provide plots similar in size to the neighbouring dwellings and would satisfy the requirement of a small scale development. With housing either side of the appeal site the proposal is effectively an infill development and would retain the core shape of the settlement.
9. Surrounding houses are an eclectic mix of two-storey buildings and bungalows with no particular architectural style. Dwellings are predominantly detached or semi-detached. The proposed buildings would be of a relatively conventional design and would sit comfortably in the street scene, and would not cause harm to the character and appearance of the village, its rural setting or the wider countryside beyond the settlement's developed footprint.
10. Therefore the proposal would be in accordance with Policies LP2 and LP4 of the Local Plan.

Other Matters

11. The appellant stated that the Council behaved unreasonably in not pursuing a view from the parish council. The Council notified the parish council of the application and gave it the opportunity to comment, and beyond that there is no specific duty or requirement to pursue a response. I therefore do not consider that the Council acted unreasonably.

Conditions

12. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.

13. In the interests of proper planning I have imposed the standard condition in respect of the time limit. For certainty I have imposed a condition requiring compliance with the plans. To ensure that the development preserves the character and appearance of the area I have imposed conditions requiring approval of facing materials of all proposed buildings and landscaping, including a condition for the replacement, preservation and protection of trees on the site especially those subject to the TPO. To ensure adequate drainage and prevent the pollution of the water environment I have imposed conditions relating to foul and surface water drainage.
14. The Council's archaeological officer has requested an archaeological investigation and I have therefore imposed conditions for a survey and the recording and preservation of any artefacts found on site. In the interests of highway safety and the convenience of other road users I have imposed a condition requiring completion of driveways before the proposed buildings are occupied.
15. To ensure the amenity of neighbours is not unnecessarily disrupted I have imposed a condition limiting the hours of work on the site. The Council's Environmental Health Team has requested information about possible land contamination. However, the effect of any contamination on the progress of the development can be adequately controlled by condition and I have therefore imposed one.

Conclusion

16. For the reasons given above, and taking into account all other material considerations, I conclude that the appeal should succeed.

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Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LDC1769-01; LDC1769-02A; LDC1769-03; LDC1769-04; LDC1769-05; and LDC1769-06.
- 3) Prior to completion of the damp proof course level details of all external facing materials shall have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) Prior to completion of the damp proof course level details of a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of the height and materials used for the boundary treatments and the surface material of the parking spaces.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 6) The development shall be completed in accordance with the tree protection measures identified in the Tree Constraints and Protection Report prepared by Mark Hudson dated 27th March 2017. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed.
- 7) Development shall not commence until drainage works for foul and surface water shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 8) No development shall take place on the application site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 9) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.
- 10) The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 8 at least 14 days before the said commencement.
- 11) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. LDC1769-02A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 12) Demolition or construction works shall take place only between 0800 and 1800 hours on Monday to Friday and between 0800 and 1300 hours on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

END OF SCHEDULE